

ages therefor shall in such suit be determined and adjudged, but no execution may issue on said judgment, and in such action neither the Prison Commission or the State of Texas shall urge any pleas of limitation in bar of the cause of action alleged by the plaintiff; but if final judgment should be rendered and such judgment shall be finally determined by the Court of Civil Appeals and the Supreme Courts in favor of plaintiff, determining the said Mrs. Delha Eastham sustained damage by occasion of the breaches, if any, of said contract, or on account of the failure, if any, on the part of the Prison Commission, or the State of Texas, to perform the duties and obligations, if any, arising out of said contract, then such judgment shall be recognized by the Prison Commission as a valid obligation and shall be paid by it in due course along with the other indebtedness incurred by said Prison Commission, and shall be as binding on the Prison Commission and upon the State of Texas as any other valid indebtedness incurred by said Prison Commission.

#### APPENDIX B.

By Mendell and H. B. No. 151.  
Nichols.

#### A BILL To Be Entitled

An Act to make fraudulent advertising a penal offense, and prescribing a penalty and making each day the same is committed a separate offense.

Be it enacted by the Legislature of the State of Texas:

Section 1. If any person, firm, corporation, association or any officer or agent of or for any of same, shall knowingly make, publish, post, circulate, disseminate or in any from, manner or way whatsoever, present to or before the public or any part or person thereof, or cause the same to be done, any advertisement, representation or statement in any county of this State, with intent, design or purpose to sell, transfer, lease or in any manner dispose of, to the public or any part or person thereof, any lands, dry goods, wares, merchandise or live stock, which advertisement, representation or statement is misleading or deceptive in any mate-

rial particular, or to any such matters or things so advertised or which contains any representation or presentation or fact or facts, which is or are untrue in any material particular, as to any such matters or things so advertised shall be guilty of fraudulent advertising and upon conviction shall be fined in any sum not less than ten dollars nor more than two hundred dollars for each offense.

Sec. 2. Provided that each day the fraudulent advertising is made shall be deemed a separate offense.

Sec. 3. Be it further provided, that the owner, publishers or circulator of any newspaper, magazine or periodical cannot be held liable under the provisions of this Act; that same shall apply to persons, firms, corporations, associations or any agent therefor who prepares and has such untrue advertising matter published.

Engrossed Rider to House Bill  
No. 151.

Amend H. B. No. 151 by striking out the words "or are" in line 22, page 1, and insert in lieu thereof the words "known to be."

March 2, 1917, adopted.

BOB BARKER,  
Chief Clerk, House of Representatives.

#### FIFTY-SECOND DAY.

Senate Chamber,  
Austin, Texas,  
Friday, March 16, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Henderson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	Page.
Dayton.	Parr.
Dean.	Smith.
Decherd.	Suiter.
Floyd.	Westbrook.
Gibson.	Woodward.
Henderson.	

## Absent.

Clark.	King.
Hall.	McNealus.
Harley.	Robbins.
Hudspeth.	Strickland.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gibson.

## Committee Reports.

See appendix.

## Bills and Resolutions.

By Senator Hudspeth:

S. B. No. 490, a bill to be entitled "An Act to amend Section Six of an Act passed by the present Session of the Thirty-fifth Legislature and approved on the — day of March, 1917, pertaining to the development of minerals in the Public Free School Lands and Waters, and declaring an emergency."

Read first time and referred to the Committee on Public Lands and Land Office.

By Senator Bailey, by request.

S. B. No. 491, A bill to be entitled "An Act to amend Chapter 51 of the Special Laws of the Thirty-third Legislature, entitled "An Act creating an independent school district, to be known as the Charco Independent School District, in Goliad County, etc., and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Bailey, by request.

S. B. No. 492, A bill to be entitled "An Act creating an independent school district, to be known as the Powell Independent School District, in Goliad County, etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

## Amendment to Rules.

The following motion was made in writing:

"We move that the rules of the Senate be amended as follows:

"Add to Rule No. 70 the following line:

"(32) A committee on nominations of the Governor.

"JOHNSTON of Harris.

"BEE."

The matter was referred to the Committee on Rules with the request that they report tomorrow.

## Simple Resolution No. 126.

By Senator Dayton:

Whereas, Under the rules of the Senate, the General Appropriation bills could not be considered during the first sixty days of the Regular Session of the Thirty-fifth Legislature, and

Whereas, the Regular Session will soon adjourn, and

Whereas, It will be economy to have the said General Appropriation bills ready to submit to the Senate at the convening of the First Called Session,

Therefore, be it resolved, That the Chairman of said Finance Committee be directed to call the Committee together in the City of Austin, seven (7) days prior to the convening of the Special Session for the purpose of considering and completing said appropriation bills and that the said committee be allowed \$5.00 each per day for their services.

That the Clerk of the Finance Committee and a competent stenographer be retained for such time that the said committee may deem it necessary and that they shall be paid for their services the same compensation as received during the Regular Session of the Thirty-fifth Legislature. All said compensation to be paid out of the Contingent Fund of the Senate on approval of the Chairman of the Finance Committee.

In the event the chairman cannot act, the vice chairman shall act in his stead.

On motion of Senator Dayton, the resolution was referred to the Committee on Finance.

## Simple Resolution No. 66.

Senator Lattimore called up and the Chair laid before the Senate Sim-

ple Resolution No. 66, providing for an investigation of the State University. (See page 348 of Journal.) The question being upon the adoption of the pending substitute offered by Senator Dayton.

The substitute was adopted.

The resolution as substituted was then adopted. (See page 586 of the Journal for the substitute in full.)

#### Simple Resolution No. 94.

Senator Caldwell called up from the table and the Chair laid before the Senate the following resolution:

Be it resolved, That the salary of Captain Geo. T. Walker, who was elected General Messenger, be raised from two dollars (2.00) to five dollars (\$5.00) per day, effective upon the adoption of this resolution.

Caldwell, McNealus, Buchanan of Scurry, Clark.

The resolution was read and adopted.

Morning call concluded.

#### House Bill No. 364—Returned to Free Conference Committee.

Senator Johnson of Hall made the following motion in writing:

I move that the Senate grant the request of the House of Representatives for the recommitting of House Bill No. 364 to the Free Conference Committee for further consideration.

JOHNSON.

The motion was read and adopted.

#### Senate Bill No. 489—Refusal to Take Up.

Senator Parr asked for unanimous consent to take up Senate Bill No. 489 at this time.

There was objection.

Senator Parr moved that the regular order of business (Senate Joint Resolution No. 1) be suspended, and the Senate take up out of its order Senate Bill No. 489.

Senator Lattimore moved to table the motion to suspend and the motion prevailed by the following vote:

Yeas—16.

Alderdice. Buchanan of Scurry.  
Buchanan of Bell. Dayton.

Floyd.	Lattimore.
Gibson.	Robbins.
Hall.	Smith.
Henderson.	Strickland.
Hopkins.	Suiter.
Johnson of Hall.	Westbrook.

Nays—6.

Bailey.	Harley.
Caldwell.	Page.
Clark.	Parr.

Present—Not Voting.

Johnston of Harris.

Absent.

Bee.	King.
Dean.	McCollum.
Decherd.	McNealus.
Hudspeth.	Woodward.

#### Free Conference Committee on Senate Bill No. 247.

Senator Gibson made the following motion in writing:

I move that the Senate do not concur in House amendments to Senate Bill No. 247, and that the Senate request the House for a Free Conference Committee, and that the following be elected on the part of the Senate: Senators Hudspeth, Caldwell, Dayton, Clark and Woodward.

The motion prevailed carrying the election of the committeemen named.

#### Messages From the House.

Hall of the House of Representatives.  
Austin, Texas March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 721, A bill to be entitled "An Act to amend Article 7883, Chapter 1, Title 133, Revised Civil Statutes of the State of Texas, 1911, prescribing standard weights and measures, prescribing the weight of peanuts in addition to the weights of other products already defined by law, and declaring an emergency."

H. B. No. 257, A bill to be entitled "An Act to provide for the placing of short term male State convicts upon public roads; to define short term male

convicts and rules governing them while employed upon the public highways; to give counties authority to secure State convicts through petition of the commissioners' court to the Penitentiary Commission to recommend the placing of such convicts upon their honor as their merit will justify when such transfer is made from the State farms or the walls to public roads; making it mandatory for the commissioners' court thus petitioning to provide railroad fare from penitentiary farms to point of destination; to provide for commutation of sentence for good behavior and service to such convicts as merit reward; giving the commissioners' court authority to pay for transportation of convicts by warrants drawn upon the road and bridge funds of the county so petitioning; also authority to draw warrants upon road and bridge fund for maintenance of convicts for food, raiment and medical purposes."

H. B. No. 501, A bill to be entitled "An Act to make appropriations to cover the cost of permanent building and equipment of same for the use of the Texas State Quarantine Service at Sabine, Texas, and declaring an emergency."

H. B. No. 526, A bill to be entitled "An Act to amend Article 1460, Chapter 2, Title 29, of the Revised Civil Statutes of 1911, as amended by the Thirty-fourth Legislature, page 203, providing for the appointment and compensation of county auditors in counties having a population of forty thousand inhabitants, according to the last United States census, or having a tax valuation of eighteen million dollars, according to the last approved tax rolls, also to add Article 1460a, providing that county auditors may be appointed in counties having a less population than forty thousand inhabitants, or having a tax valuation of less than eighteen million dollars; also, to amend Article 1461, Chapter 2, Title 29, of the Revised Civil Statutes as amended by the Thirty-fourth Legislature, page 182, relating to the appointment of county auditors; also, to amend Article 1462, Chapter 2, Title 29, of the Revised Civil Statutes of 1911, defining the qualifications of county auditors."

H. B. No. 481, A bill to be entitled "An Act to amend Article 3944 of the Revised Statutes of Texas, 1911, for the issuance of citation and service thereof,

relating to forcible entry and detainer; and, further, providing that in case the plaintiff shall file a bond in a sum in an amount to be fixed by the justice of the peace issuing such citation shall be placed in possession of the property unless the defendant shall within six days from the service of citation execute and deliver to the officer serving such citation a bond in a sum at least double the amount of the bond executed by the plaintiff and to be approved by said officer; conditioned that the defendant will pay all rent that may be due or owing at the time of the execution of said bond and all rent that may be due or owing when said case is finally tried, and all costs of suit in case judgment is rendered against him."

S. B. No. 396, A bill to be entitled "An Act to validate titles to school land which has been purchased on condition of settlement," etc., with amendments.

The House has appointed the following new conference committee on House Bill No. 111: Williams of Milam, Spradley, Pope, Terrell and Thomason of Nacogdoches.

Concurs in Senate amendments to House Bill No. 237.

Concurs in Senate amendments to House Concurrent Resolution No. 18.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

Hall of the House of Representatives  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House requests the Senate to return H. B. No. 792 for correction.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

Hall of the House of Representatives  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 400, A bill to be entitled "An Act to amend Chapter 103 of the General Laws passed by the Thirty-third Legislature of the State of Texas, with reference to the



board of managers for the Confederate Woman's Home."

S. B. No. 384, A bill to be entitled "An Act to amend Article 4859, Title 71, Chapter 7, relating to reports of local insurance associations, of the Revised Civil Statutes, 1911, of the State of Texas."

S. B. No. 200, A bill to be entitled "An Act to prevent and punish the desecration or improper use of the flag of the United States of America, and declaring an emergency."

H. B. No. 568, A bill to be entitled "An Act making it an offense for any person who is treasurer of any school district in this State, or for any officer, director, stockholder, agent or employe of any corporation that is the treasurer or depository of any school district in this State to fraudulently take, misapply or convert to his own use any of the money, property or other thing of value belonging to such district or to secrete the same with the intent to take, misapply or convert it to his own use, or to pay or deliver the same to any person knowing that he is not entitled to receive it, prescribing a penalty, and declaring an emergency."

H. B. No. 36, A bill to be entitled "An Act to create a Commission of Appeals of Texas and to define the powers and duties thereof; and for the appointment of their stenographers and porter, and the furnishing of rooms for their use in the Capitol, and declaring an emergency."

H. B. No. 451, A bill to be entitled "An Act to provide for the purchase of a site for, and for the establishment, location and construction of, an asylum in South Texas for the care, treatment and support of negro insane persons, and to make an appropriation therefor, and declaring an emergency."

Adopted H. C. R. No. 23. Sine die adjournment.

Concurs in Senate amendments to H. B. No. 409.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### Bills Read and Referred.

The Chair (President Pro Tem. Henderson) had referred, after their

captions had been read, the following House bills:

H. B. No. 721, referred to the Committee on Agricultural Affairs.

H. B. No. 257, referred to the Committee on Roads, Bridges and Ferries.

H. B. No. 501, referred to the Committee on Finance.

H. B. No. 526, referred to the Committee on Civil Jurisprudence.

H. B. No. 481, referred to the Committee on Civil Jurisprudence.

H. B. No. 400, referred to the Committee on State Affairs.

H. B. No. 568, referred to the Committee on Criminal Jurisprudence.

H. B. No. 36, referred to the Committee on Civil Jurisprudence.

H. B. No. 451, referred to the Committee on State Institutions and Departments.

#### Simple Resolution No. 127.

Resolved by the Senate that the Senate grant the request of the House for the return of H. B. No. 792 for further consideration.

BEE.

The resolution was read and adopted.

#### Senate Joint Resolution No. 1.

The Chair laid before the Senate as special order for this hour and on its third reading:

Senate Joint Resolution No. 1, Proposing amendment to State Constitution prohibiting the manufacture, sale, barter and exchange of intoxicating liquors, except for medicinal purposes, scientific and sacramental purposes.

Senator Johnston of Harris moved the previous question on the final passage of the resolution, which being duly seconded, the main question was ordered.

The resolution was laid before the Senate, read third time and failed of final passage by the following vote:

Yeas—20.

Alderdice.

Decherd.

Buchanan of Bell.

Floyd.

Buchanan of Scurry.

Gibson.

Dayton.

Henderson.

Dean.

Hopkins.

Johnson of Hall.	Smith.
Lattimore.	Strickland.
McCollum.	Suiter.
McNealus.	Westbrook.
Róbbins.	Woodward.

Nays—11.

Bailey.	Hudspeth.
Bee.	Johnston of Harris.
Caldwell.	King.
Clark.	Page.
Hall.	Parr.
Harley.	

#### Senate Bill No. 396—House Amendments Concurred In.

Senator Hudspeth called up for consideration of the House Amendment to:

S. B. No. 396, A bill to be entitled "An Act to validate titles to school land which has been purchased on condition of settlement and residence in cases where the purchaser made settlement thereon, as required by law, and, before the expiration of three years from date of award, transferred the land but completed the occupancy and obtained a certificate of occupancy, and declaring an emergency."

The following House Amendment was laid before the Senate:

Amend by inserting after the word "occupancy" and before the word "the" in the last line of Section 1, the following: "and in all cases where lands bought as additional have been transferred before the completion of the occupancy of the home tract and the occupancy of the home tract has been completed either by the original purchaser or his assignee and proof thereof filed in the Land Office."

On motion of Senator Hudspeth the Senate concurred in the amendment.

#### Bills Signed.

The Chair (President Pro Tem. Henderson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 443, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, of the Revised Statutes of Texas, of 1911, and to amend Chapter 72, House Bill No.

827, General Laws of the Thirty-third Legislature, page 131, and to amend Chapter 99, House Bill No. 418, General Laws of the Thirty-fourth Legislature, page 152, with reference to the mode of preventing horses and certain other animals from running at large in the counties named, so as to include El Paso County, and declaring an emergency."

H. B. No. 675, A bill to be entitled "An Act to permit the Enid, Ochiltree & Western Railroad Company and the owners of its properties, purchased at receiver's sale and its and their assigns, trustees and representatives, to take up and remove its railroad construction heretofore made from within the city of Dalhart, in Dallam County, Texas, to the terminus of its track, approximately thirteen miles in an easterly direction in Hartley County, Texas, and to sell and dispose of same and abandon the same, and declaring an emergency."

S. B. No. 461, A bill to be entitled "An Act to incorporate the city of Plainview, Hale County, Texas, and to grant it a charter; to define its powers and prescribe its territorial limits, duties and liabilities, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 316, A bill to be entitled "An Act to amend Title 22, Chapter 4, Article 883, Revised Statutes of 1911 of the State of Texas, and declaring an emergency."

S. B. No. 13, A bill to be entitled "An Act providing for the payment by any county of the State of Texas of a monthly pension to indigent widowed mothers for the partial support of their children in their own homes."

S. B. No. 224, A bill to be entitled "An Act to amend Title 86, Chapter 4, of the Revised Civil Statutes of 1911, by adding after Article 5644 a new article to be entitled 5644a, providing for a lien for newspaper workers in the editorial or reportorial department of any newspaper, publication or periodical, whether it be daily or otherwise; also any solicitor, clerk or other employe in the advertising or business office of any newspaper, publication or periodical, whether it be daily or otherwise, and declaring an emergency."

S. B. No. 465, A bill to be entitled

"An Act incorporating the Valley Mills Independent School District in Bosque and McLennan Counties, Texas, for free school purposes only, and for the election of their successors, and divesting the present Valley Mills Independent School District and its Board of Trustees of the control of its public free schools, and of the title to all school property therein, and vesting the same in the said Valley Mills Independent School District and its board of trustees, and prescribing the rights, powers, privileges and duties of said Valley Mills Independent School District and its board of trustees, and declaring an emergency."

S. B. No. 334, A bill to be entitled "An Act to make an emergency appropriation for the purpose of purchasing and installing a storage tank and other facilities to store and convey oil from the Southwest Texas State Normal, and declaring an emergency."

#### Recess.

At 12:45 o'clock p. m. on motion of Senator Clark, the Senate recessed until 2:30 o'clock today.

#### After Recess.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Hobby.

#### Senate Bill No. 259.

The Chair laid before the Senate on third reading:

S. B. No. 259, A bill to be entitled "An Act to amend Article 5598 of the Revised Civil Statutes of the State of Texas, of 1911, Title 84, Chapter 1, by providing that nothing in said title shall be construed to take away any now or hereafter existing defense to a civil action for libel, and preserving all such defenses."

The bill was laid before the Senate, read third time and passed finally.

Senator Johnston of Harris moved to reconsider the vote by which Senate Bill No. 259 was passed and table the motion to reconsider.

The motion to table prevailed.

#### Senate Bill No. 257.

The Chair laid before the Senate on third reading:

S. B. No. 257, A bill to be entitled "An Act to amend Article 5597 of Chapter 1, Title 84, of the Revised Civil Statutes of Texas of 1911 so as to make privileged, without proof of actual malice, fair, true and impartial accounts of all executive and legislative proceedings including all reports and proceedings in or before legislative committees, boards of managers of public educational and eleemosynary institutions, city councils and other governing bodies of cities or towns, commissioners' courts and boards of trustees of public schools."

The bill was laid before the Senate, read third time and passed finally.

Senator Johnston of Harris moved to reconsider the vote by which Senate Bill No. 257 was passed and table the motion to reconsider.

The motion to table prevailed.

#### Senate Bill No. 258.

The Chair laid before the Senate on third reading:

S. B. No. 258, A bill to be entitled "An Act to fix the venue of suits for damages for libel and slander."

The bill was laid before the Senate read third time and passed finally.

Senator Johnston of Harris moved to reconsider the vote by which Senate Bill No. 258 was passed and table the motion to reconsider.

The motion to table prevailed.

#### Senate Bill No. 155.

The Chair laid before the Senate on third reading:

S. B. No. 155, A bill to be entitled "An Act to punish the making or use of false statements respecting financial condition for the purpose of obtaining money, property, or credit when such money, property, or credit amounts to not less than fifty dollars; whether such statements are made directly or indirectly; making such an offense a felony and prescribing the punishment therefor."

The bill was laid before the Senate, read third time and passed finally.

Senator McNealus moved to recon-

sider the vote by which Senate Bill No. 155 was passed and table the motion to reconsider.

The motion to table prevailed.

#### Senate Bill No. 489.

The Chair laid before the Senate on second reading:

S. B. No. 489, A bill to be entitled "An Act creating and incorporating the Mercedes Independent School District in Hidalgo County, Texas, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment on motion of Senator Parr.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 489 put on its third reading and final passage by the following vote:

#### Yeas—27.

Alderdice.	Johnson of Hall.
Bailey.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Dayton.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.
Hudspeth.	

#### Present—Not Voting.

Dean.

#### Absent.

Bee.	McCollum.
Clark.	

The bill was laid before the Senate, read third time and passed by the following vote:

#### Yeas—29.

Alderdice.	Dean.
Bailey.	Decherd.
Bee.	Floyd.
Buchanan of Bell.	Gibson.
Buchanan of Scurry.	Hall.
Caldwell.	Harley.
Dayton.	Henderson.

Hopkins.	Parr.
Hudspeth.	Robbins.
Johnson of Hall.	Smith.
Johnston of Harris.	Strickland.
King.	Suiter.
Lattimore.	Westbrook.
McNealus.	Woodward.
Page.	

#### Absent.

Clark.	McCollum.
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#### House Bill No. 785.

The Chair laid before the Senate on second reading:

H. B. No. 785, A bill to be entitled "An Act to create a more efficient road law for Wilson County, Texas, fixing the compensation of the commissioners of Wilson County when acting as ex officio road commissioners, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time passed to its third reading.

Senator Bailey moved to reconsider the vote by which H. B. No. 785 was passed to its third reading, and table the motion of reconsider.

The motion to table prevailed.

#### Senate Joint Resolution No. 2.

The Chair laid before the Senate on second reading:

Senate Joint Resolution No. 2, Proposing an amendment to Article 3 of the Constitution of the State of Texas, by adding thereto a provision barring the right to bring suit for the collection of delinquent taxes after four years from the date of such delinquency.

The committee report that the resolution be not printed was adopted.

The resolution was read second time and passed to engrossment.

On motion of Senator Buchanan of Bell the resolution was laid on the table subject to call.

#### Senate Bill No. 484.

The Chair laid before the Senate on second reading:

S. B. No. 484; A bill to be entitled "An Act to establish at Sher-



man, Grayson County, Texas, a junior agricultural, mechanical and industrial college, to be known as the Munson Vocational College, making an appropriation therefor, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time, on motion of Senator Dayton, was passed to engrossment.

#### House Bill No. 333.

The Chair laid before the Senate on third reading,

H. B. No. 333, A bill to be entitled "An Act to amend subdivision 60, Article 1121 of Chapter 2 of Title 25 of the Revised Civil Statutes of Texas adopted at the Regular Session of the Thirty-second Legislature, as amended at the Regular Session of the Thirty-third Legislature, authorizing the formation of corporations for the construction and operation of interurban electric, gas or gasoline, denatured alcohol or naphtha motor railways with power to own, construct and operate union depots and office buildings and the right to acquire, hold and operate other public utilities in and adjacent to the cities or towns within or through which said companies operate; and authorizing those heretofore organized to acquire, hold and operate other public utilities in and adjacent to the cities or towns within or through which said companies operate, and providing the method of amending their charters so as to expressly include such authority."

The bill was laid before the Senate, read third time and passed finally.

#### House Bill No. 790.

The Chair laid before the Senate on third reading,

H. B. No. 790, A bill to be entitled "An Act creating the Stanton Independent School District of Martin County, Texas, by adding to the present Stanton Independent School District more territory, etc., and declaring an emergency."

The bill was laid before the Senate, read third time and passed finally.

#### House Bill No. 591.

The Chair laid before the Senate on second reading,

H. B. No. 591, A bill to be entitled "An Act to transfer to the board of county school trustees all rights and powers pertaining to the public free schools that have heretofore been vested in the county commissioners court; and repealing all laws and parts of laws in conflict herewith."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Page, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 591 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Henderson.
Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Dean.	Suiter.
Decherd.	Westbrook.
Gibson.	Woodward.
Hall.	

Absent.

Floyd.	Johnson of Hall.
Harley.	Lattimore.
Hopkins.	McCollum.
Hudspeth.	Strickland.

The bill was laid before the Senate, read third time and passed finally.

#### Senate Bill No. 315.

The Chair laid before the Senate on third reading,

S. B. No. 315, A bill to be entitled "An Act to amend Title 22, Chapter 4, Article 879 of the Revised Statutes of the State of Texas, Acts of 1911, and declaring an emergency."

The bill was laid before the Senate, read third time and passed finally.

**House Bill No. 246.**

The Chair laid before the Senate on second reading:

H. B. No. 246, A bill to be entitled "An Act to amend Section 5 of House Bill No. 25, passed by the Thirty-third Legislature at the Regular Session, 1913, and approved April 7, 1913, relating to prorating the appropriation for Confederate pensions among the pensioners."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 246 put on its third reading and final passage by the following vote:

**Yeas—26.**

Alderdice.	Hopkins.
Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Sulter.
Hall.	Westbrook.
Henderson.	Woodward.

**Absent.**

Dean.	Johnson of Hall.
Harley.	Strickland.
Hudspeth.	

The bill was laid before the Senate, read third time and on motion of Senator Westbrook, was passed by the following vote:

**Yeas—13.**

Bailey.	Page.
Dayton.	Parr.
Dean.	Smith.
Gibson.	Strickland.
Hall.	Westbrook.
Henderson.	Woodward.
Johnson of Hall.	

**Nays—9.**

Alderdice.	Decherd.
Bee.	Lattimore.
Buchanan of Bell.	McCollum.
Buchanan of Scurry.	Robbins.
Clark.	

**Absent.**

Caldwell.	Johnston of Harris.
Floyd.	King.
Harley.	McNealus.
Hudspeth.	

**Pair Recorded.**

Senator Sulter (present), who would vote "nay"; Senator Hopkins (absent), who would vote "yea."

Senator Westbrook moved to reconsider the vote by which House Bill No. 246 was passed and table the motion to reconsider.

The motion to table prevailed.

(President Pro. Tem. Henderson in the chair.)

**House Bill No. 782.**

Senator Bee asked for unanimous consent to take up House Bill No. 782.

There was objection.

Senator Bee moved that the regular order of business be suspended, and the Senate take up, out of order, House Bill No. 782.

The motion prevailed by the following vote:

**Yeas—21.**

Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Strickland.
Floyd.	Sulter.
Gibson.	Westbrook.
Hall.	Woodward.
Henderson.	

**Nays—4.**

Alderdice.	Decherd.
Dean.	Robbins.

**Absent.**

Harley.	King.
Hopkins.	Parr.
Johnston of Harris.	Smith.

The Chair laid before the Senate on second reading:

H. B. No. 782, A bill to be entitled "An Act to amend Section 8, Chapter 119, of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-second Legislature

of the State of Texas, 1911, relating to official shorthand reporters' compensation in Bexar County."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Bee, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 782 put on its third reading and final passage by the following vote:

Yeas—28.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Sulter.
Hall.	Westbrook.
Henderson.	Woodward.

Absent.

Harley. McCollum.  
Johnston of Harris.

The bill was laid before the Senate, read third time and passed finally.

Senator Bee moved to reconsider the vote by which House Bill No. 782 was passed and table the motion to reconsider.

The motion to table prevailed.

#### Message From the House.

Hall of the House of Representatives.  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 167, A bill to be entitled "An Act to provide whole family protection for members of fraternal benefit societies, and declaring an emergency," with amendments.

S. B. No. 94, A bill to be entitled "An Act to amend Article 7394 of the Revised Statutes of 1911 so as to provide that the franchise tax on foreign

corporations therein levied shall be based upon the proportion of the total issued and outstanding capital stock of such corporation as the gross receipts of such corporation from its intrastate business in Texas bears to its total gross receipts" with amendments.

S. B. No. 95, A bill to be entitled "An Act to amend Article 3837 of the Revised Statutes of 1911 so as to provide that the permit fees for corporations payable to the Secretary of State under the provisions of Article 3837, Chapter 1, Title 58, of the Revised Statutes of the State of Texas shall be based upon the capital stock of corporations, domestic and foreign, issued and outstanding, and that such permit fee shall not exceed the sum of twenty-five hundred dollars," with amendments.

Respectfully,

BOB BARKER,  
Chief Clerk, House of Representatives.

#### Bills Signed.

The Chair (President pro tem. Henderson), gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 276, A bill to be entitled "An Act to create the Eighty-first Judicial District of the State of Texas, to reorganize the Thirty-sixth and Forty-ninth Judicial Districts of said State, to provide for the appointment of a district attorney in said Thirty-sixth Judicial District, as reorganized, and to provide for the appointment of a district judge for said Eighty-first Judicial District, and to provide for the continuance in office of the present district attorney of the Thirty-sixth Judicial District of Texas, as district attorney of the Eighty-first Judicial District of Texas, residing in Wilson County, Texas; to provide for the continuance in office of the present district judge and district attorney of the Forty-ninth Judicial District of Texas, to fix the time of holding the district courts of said districts, to provide for the time when this Act shall take effect, to make all process heretofore issued, as well as bonds and recognizances heretofore entered into conform thereto; to provide that the grand and petit jurors drawn and selected

under existing laws in any of the counties of said judicial district shall be considered legally drawn and selected for the term of the district court of their respective counties, held after this Act takes effect, and providing that this Act take effect on August 1, 1917; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 223, A bill to be entitled "An Act to provide for the purchase and lease of real property by county school trustees of all common school districts and of those independent school districts having less than 150 scholastics, and by the trustees of all independent school districts having 150 scholastics or more in the State of Texas, by condemnation proceedings, for the purpose of furnishing play-grounds and sites upon which to build school houses and for agricultural purposes to be used in connection with said schools."

S. B. No. 200, A bill to be entitled "An Act to prevent and punish the desecration or improper use of the flag of the United States of America, and declaring an emergency."

H. B. No. 738, A bill to be entitled "An Act creating the Remlig Common County Line Independent School District, known as Remlig Common County Line School District No. 3, Jasper County, Texas, etc., and declaring an emergency."

S. B. No. 396, A bill to be entitled "An Act to validate titles to school land which has been purchased on condition of settlement and residence in cases where the purchaser made settlement thereon, as required by law, and, before the expiration of three years from date of award, transferred the land but completed the occupancy and obtained a certificate of occupancy, and declaring an emergency."

H. B. No. 651, A bill to be entitled "An Act to amend Article 2234 of the Revised Civil Statutes of Texas, relating to the Dallas Criminal District Court, changing said article so that it shall be discretionary with the judge of the Dallas Criminal District Court to impanel a grand jury for said court, instead of it being mandatory; repealing all laws and parts of laws in

conflict therewith, and declaring an emergency."

H. B. No. 750, A bill to be entitled "An Act creating and establishing the Kountze Corporate School District in Hardin County, Texas, etc., and declaring an emergency."

H. B. No. 638, A bill to be entitled "An Act to reorganize the First Judicial District, to be composed of the counties of San Augustine, Sabine, Newton, Jasper and Orange; fixing the time for holding court therein, and after July 1, 1917, continuing the times of holding court therein as now provided by law until July 1, 1917; to validate process, bonds, recognizances heretofore issued or taken in the courts of said district, and to preserve and validate all judgments rendered or to be rendered in the courts in said district prior to July 1, 1917, and declaring an emergency."

H. B. No. 690, A bill to be entitled "An Act to create the Liberty Hill Independent School District in Williamson County, Texas, including present Liberty Hill district of said county, etc., and declaring an emergency."

S. B. No. 451, A bill to be entitled "An Act to repeal Chapter 72, local and special laws of Texas, passed at the regular session of the Thirty-fourth Legislature, said chapter being an Act to create a special road law for Johnson County; to provide for a special road tax; to provide for four precinct road superintendents; providing for salaries and bonds of said superintendents, and specifying duties of said precinct road superintendents; also the salary of county commissioners for road inspection; regulating the hiring of teams on said roads, and declaring an emergency."

S. B. No. 384, A bill to be entitled "An Act to amend Article 4859, Title 71, Chapter 7, relating to reports of local insurance associations, of the Revised Civil Statutes, 1911, of the State of Texas."

H. B. No. 621, A bill to be entitled "An Act to amend Section 2 of Chapter 69, Acts of the Thirty-third Legislature, Regular Session, so as to enlarge the territory of the Hutchins Independent School District in Dallas County, Texas; and



prescribing the metes and bounds thereof, and declaring an emergency."

H. B. No. 200, A bill to be entitled "An Act to amend Article 2308, Chapter 5, Title 41, Revised Civil Statutes of Texas, 1911, relating to venue of suits in justices courts, by adding thereto at the end of Subdivision 4 thereof, 'Providing that in all suits to recover for labor performed or any kind of personal service rendered may, at the option of plaintiff, be brought and maintained where such labor is performed or personal service is rendered, and declaring an emergency.'"

H. B. No. 502, A bill to be entitled "An Act to amend Article 421 of the Penal Code of the State of Texas; to further define 'barratry' so as to include the fomenting of litigation for profit, and by persons in addition to attorneys at law by soliciting employment or advancing money or other things of value to the parties to litigation in order to procure employment."

H. B. No. 822, A bill to be entitled "An Act incorporating and reorganizing the Sealy Independent School District in Austin County, Texas, etc., and declaring an emergency."

H. B. No. 654, A bill to be entitled "An Act to create a more efficient road system for Angelina County; creating a highway commission, defining its duties, providing for the qualification and election of the members of the same, etc., and declaring an emergency."

S. B. No. 464, A bill to be entitled "An Act to amend Chapter 141 of the General Laws enacted by the Thirty-third Legislature in 1913, approved by the Governor on April 7, 1913, being 'An Act entitled an Act to carry into effect the provisions of the amendment to Section 51 of Article 3 of the State of Texas, adopted at an election in said State on the 5th day of November, A. D. 1912, and formally declared to be a part of said Constitution by a proclamation of the Governor of said State, issued heretofore on the 30th day of December, A. D. 1912, by providing for the levy of an ad valorem tax of not exceeding five cents on the one hun-

dred dollar valuation of property in said State for the purpose of creating a special fund for the payment of pensions for services in the Confederate army, navy, frontier organization, the militia of the State of Texas, and for the widows of soldiers serving in said armies, navies, organizations and militia, and providing how and under what regulations such fund shall be expended and controlled and how such pensions and the amounts thereof shall be paid to the persons entitled thereto, making the provisions of such bill cumulative of all laws in force in Texas, not in conflict therewith, repealing all laws and parts of laws in conflict therewith and prescribing a penalty for false swearing in connection with applications for pensions under the provisions of this Act,' by providing a method for taking evidence in such cases as come under the provisions of this Act, and providing that this shall be cumulative of all other laws pertaining to Confederate pensions when not in conflict therewith, and declaring an emergency."

H. B. No. 767, A bill to be entitled "An Act to amend the caption of Chapter 41 of the local and special laws of Texas, passed by the Regular Session of the Thirty-third Legislature, the same being a McLennan County road law and being Senate Bill No. 360, etc."

H. B. No. 409, A bill to be entitled "An Act to amend Article 3883 of the Revised Civil Statutes of the State of Texas for 1911, relating to fees of county officers."

#### Senate Bill No. 183—Free Conference Committee Elected.

Senator Hudspeth made the following motion in writing:

I move that the Senate do not concur in the House amendments to Senate Bill No. 183, and that a Free Conference Committee be appointed, and that the following be elected on the part of the Senate: Senators Latimore, Buchanan of Scurry, Johnson of Hall, Dean, Dayton.

The motion prevailed carrying the election of the Senators named as members of the committee.

**Senate Bill No. 94—House Amendments Concurred In.**

Senator Gibson called up for consideration of House amendments to

S. B. No. 94, A bill to be entitled "An Act to amend Article 7394 of the Revised Statutes of 1911 so as to provide that the franchise tax on foreign corporations therein levied shall be based upon that proportion of the total issued and outstanding capital stock of such corporation as the gross receipts of such corporation from its intrastate business in Texas bears to its total gross receipts."

The Chair laid before the Senate the following House amendments:

Amend Senate Bill No. 94 by striking out the words "issued and outstanding" in the fourth line of the caption, and insert the word "authorized" in lieu thereof.

Amend Senate Bill No. 94 by striking out the words "issued and outstanding" in line 16 of Section 1 of said bill and insert before the word "capital" in line 16 the word "authorized."

On motion of Senator Gibson, the Senate concurred in the amendments.

**House Concurrent Resolution No. 23.**

The Chair laid before the Senate, H. C. R. No. 23, To fix the date of sine die adjournment of the Legislature.

Be it resolved by the House of Representatives, the Senate concurring, That the Regular Session of the Thirty-fifth Legislature shall stand adjourned sine die Wednesday, March 21, at 6 o'clock p. m.

Senator Hall offered the following amendment:

Amend House Concurrent Resolution No. 23 by striking out the words and figures "Wednesday, March 21," and insert in lieu thereof the words and figures "Friday, March 23rd."

Senator Clark moved to table the amendment, which motion prevailed by the following vote:

Yeas—18.

Alderdice.	Dayton.
Bailey.	Dean.
Bee.	Decherd.
Buchanan of Scurry.	Gibson.
Caldwell.	Hopkins.
Clark.	Hudspeth.

McCollum.  
Page.  
Parr.

Robbins.  
Smith.  
Westbrook.

Nays—7.

Buchanan of Bell.	Lattimore.
Hall.	McNealus.
Henderson.	Sulter.
Johnson of Hall.	

Present—Not Voting.

King.	Strickland.
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Absent.

Floyd.	Johnston of Harris.
Harley.	Woodward.

Senator Hudspeth moved the previous question on House Concurrent Resolution No. 23, which being duly seconded, the main question was ordered.

Action recurred on the pending resolution, and the same was adopted.

Senator Hudspeth moved to reconsider the vote by which House Concurrent Resolution No. 23 was adopted and table the motion to reconsider.

The motion to table prevailed.

**Free Conference Committee Elected.  
Senate Bill No. 95.**

Senator Page made the following written motion:

I move that the Senate do not concur in the House amendments to Senate Bill No. 95, but ask for a Free Conference Committee, and that the following be elected on the part of the Senate: Gibson, King, Hudspeth, Bee, Dayton.

The motion prevailed, carrying the election of the Senators named as members of the committee.

**Free Conference Report on House  
Bill No. 364.**

Committee Room,  
Austin, Texas, March 16, 1917.

Hon. F. O. Fuller, Speaker, House of Representatives; Hon. W. P. Hobby, President of the Senate.

Sirs: We, your Conference Committee appointed by your respective bodies to consider the amendments of

H. B. No. 364,

Have had the same under consideration, and beg to report as follows:

Strike out all after the enacting clause and insert the following:

Section 1. That whenever by law notice is required to be given of any act or proceeding, whether public or private, or relating to a judicial, executive, or legislative matter, which notice is now authorized by law or by contract, to be made by posting notices in one or more public places, such notices shall hereafter be given by publication thereof, in a newspaper of general circulation, which has been continuously and regularly published for a period of not less than one year, in the county in which said act or proceeding is to occur; provided, that nothing in this Act shall be construed to require the publication of any general election notice, public road notices nor probate notices, when the appraised value of the estate in which same is issued is less than one thousand dollars, (\$1,000.00) and provided further, that the provisions of this Act shall not apply to sales made under a written contract wherein it is provided that notice of sale thereunder may be posted.

Sec. 2. All notices published under the provisions of this Act shall be printed at least once each week, for the period of time now required for posting such notices.

Sec. 3. In the event no paper should be published in the county where such notice is required to be given, then such notices may be posted as now provided by law.

Sec. 4. The price to be paid for all publications required by this Act shall be not more than one dollar (\$1.00) per square of one hundred (100) words for first insertion, and not more than fifty cents per one hundred (100) words for each subsequent insertion, said publication fee to be taxed as other costs in the case.

Sec. 5. All laws and parts of laws in conflict herewith be, and the same are hereby, repealed.

Sec. 6. The crowded condition of the calendar and the necessity of this law creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is hereby suspended and this Act shall take effect from and after its passage, and it is so enacted.

Strike out all of the caption and insert the following:

An Act to require the publication in some newspaper of general circulation of all notices now required by law or contract to be given of any act or proceeding, whether public or private, or relating to a judicial, executive or legislative matter, which notice is now authorized by law or contract to be made by posting notices in one or more public places, fixing a time of such publication, and the compensation, naming certain exemptions, repealing all laws and parts of laws in conflict herewith, and declaring an emergency. Be it enacted by the Legislature of the

State of Texas:

JOHNSON of Hall,  
FLOYD,  
HALL,  
CLARK,

On Part of the Senate.

BONER,  
CATES,  
YANTIS,  
RUSSELL,  
McFARLAND,

On Part of the House.

On motion of Senator Johnson of Hall the Free Conference Committee report on House Bill No. 364 was adopted by the Senate.

#### House Bill No. 48—Reconsidered.

Senator Hudspeth by unanimous consent moved that the vote be rescinded by which the Senate on March 13 adopted the Free Conference Committee report on House Bill No. 48.

The motion prevailed unanimously.

On motion of Senator Hudspeth the vote was rescinded by which the motion was tabled to reconsider the vote by which House Bill No. 48 was passed.

Senator Hudspeth moved to rescind the vote by which House Bill No. 48 was passed finally.

The motion prevailed unanimously.

Senator Hudspeth moved to rescind the vote by which House Bill No. 48 was passed to third reading.

The motion prevailed unanimously.

Senator Hudspeth moved to rescind the vote by which Senate amendments 1, 2, 3, 4 and 5 were adopted.

The motion prevailed, the amendments being voted on separately.

The Chair laid before the Senate on second reading,

H. B. No. 48, A bill to be entitled "An Act for the protection of stock raisers, farmers and horticulturists; providing for the destruction of wolves and other wild animals; to make an appropriation therefor; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Senator Hudspeth offered the following amendment:

Amend Section 5, page 2, by striking out all of this section after the word "repealed" in line 2, and insert in lieu thereof the following: "Provided, that any person desiring to trap or hunt for wolves, wild cats or other predatory animals upon enclosed lands of another when said permission is not given by the owner or manager thereof, may, upon making application to the commissioners court of the county in which said person proposes to trap or hunt such predatory wild animals, and after said application is made as aforesaid then the commissioners court shall give notice to the owner of the land or his agent upon which said applicant desires to trap predatory wild animals by notifying said owner or his agent when said application will be heard by the court, and after giving full hearing to both the applicant and the owner of the land or his agent, the said court may, if it shall deem said person to be responsible and proper person, give the assent of said court to said applicant to hunt or trap predatory wild animals in said enclosure and said permit from said court shall be in writing and shall be sufficient authority for said applicant to hunt and trap predatory wild animals upon the premises mentioned in said permit, subject to be revoked by the court at any time it may deem proper, and it is further provided that any person who shall enter the enclosed lands of another for the purpose of hunting and trapping wolves or other predatory wild animals shall not camp within three hundred yards of any windmill, tank, water-hole or other place where stock are accustomed to gather for the purpose of getting salt or drinking; nor shall any person throw any hide in any tank, water-trough or water-hole, or leave the refuse of any animal nearer than three hun-

dred yards of any trough, tank or water-hole; and it is further provided that lands enclosed with a wolf-proof fence, and pastures containing two thousand acres or less shall be exempt from the provisions of this section, and the owner's written consent must be obtained before trapping shall be permitted therein. And any person violating any of the provisions of this section shall be fined in any sum not less than ten dollars nor more than one hundred dollars, and each day shall constitute a separate offense."

The amendment was read and adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 48 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Smith.
Gibson.	Suiter.
Harley.	Westbrook.
Hopkins.	Woodward.
Hudspeth.	

Nays—1.

Robbins.

Present—Not Voting.

Floyd.

Absent.

Bailey.

Henderson.

Hall.

Strickland.

The bill was laid before the Senate, read third time and passed finally.

(Senator Harley in the chair.)

#### House Bill No. 173.

The Chair laid before the Senate on second reading:

H. B. No. 173, A bill to be entitled "An Act declaring it to be unlawful for any railway company, or receiver



thereof, or any other common carrier, to confiscate or otherwise convert to its, or their own use any article of freight received by it, or them, for transportation and delivery; providing penalties therefor in favor of the State of Texas and in favor of the owner or consignee of such article; providing that the terms of this Act are cumulative of all other laws upon the subject, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 173 put on its third reading and final passage by the following vote:

## Yeas—29.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.
Hopkins.	

## Absent.

Bailey. King.

The bill was laid before the Senate, read third time and passed finally.

## House Bill No. 460.

The Chair laid before the Senate on second reading:

H. B. No. 460, A bill to be entitled "An Act providing that in all incorporated cities and towns of this State having a population of fifty thousand inhabitants or more, according to the last United States census, and which maintain a regular police department the patrolmen thereof, or those performing duties ordinarily performed by patrolmen shall be required to serve on actual duty as patrolmen not longer than eight hours in every twenty-four

hours; providing that in case of riot or other emergency such patrolmen shall perform such duty as the directing authority of the department shall require, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 460 put on its third reading and final passage by the following vote:

## Yeas—29.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Henderson.	

## Absent.

King. Woodward.

The bill was laid before the Senate, read third time and passed finally.

Senator McNealus moved to reconsider the vote by which House Bill No. 460 was passed and table the motion to reconsider.

The motion to table prevailed.

## Senate Bill No. 42.

The Chair laid before the Senate on third reading:

S. B. No. 42, A bill to be entitled "An Act to provide for the registration of land titles in this State, to prescribe the procedure, the duties of officers in relation thereto, the venue, the form of registration certificates and the recording thereof; for the appointment of examiners and fees to be charged in such proceedings."

The bill was laid before the Senate, read third time and passed finally.

Senator Buchanan of Bell moved to reconsider the vote by which Senate

Bill No. 42 was passed and table the motion to reconsider.

The motion to table prevailed.

#### House Bill No. 826.

The Chair laid before the Senate on second reading:

H. B. No. 826, A bill to be entitled "An Act creating the Pandora Independent School District, in Wilson County, Texas, etc., and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 826 put on its third reading and final passage by the following vote:

#### Yeas—29.

Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.
Hopkins.	

#### Absent.

Alderdice. King.

The bill was laid before the Senate read third time and passed finally.

Senator Bailey moved to reconsider the vote by which House Bill No. 826 was passed and table the motion to reconsider.

The motion to table prevailed.

#### Senate Bill No. 285.

The Chair laid before the Senate on second reading,

S. B. No. 285, A bill to be entitled "An Act to amend Article 5621,

Chapter 2, of the Revised Civil Statutes of the State of Texas of 1911, relating to liens of mechanics, contractors, builders and material men."

The question being upon Amendment No. 2 (shown in full in the Journal of March 2nd).

The amendment was adopted.

Action then recurred upon Amendment No. 3 (shown in full in the Journal of March 2nd), and the same was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 285 put on its third reading and final passage by the following vote:

#### Yeas—27.

Alderdice.	Johnson of Hall.
Bailey.	Johnston of Harris.
Bee.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Decherd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.
Hudspeth.	

#### Absent.

Buchanan of Bell. Floyd.  
Dean. King.

The bill was laid before the Senate, read third time and passed finally.

Senator Bailey moved to reconsider the vote by which Senate Bill No. 285 was passed and table the motion to reconsider.

The motion to table prevailed.

#### Messages From the House.

Hall of the House of Representatives,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference Committee on Senate Bill No. 95. The following has been appointed on part of the House:

Messrs. Cope, McMillan, Williams of Brazoria, Williams of McLennan and Murrell.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. J. R. No. 3, Proposing and submitting to a vote of the people of Texas an amendment to Section 9, Article 7, of the Constitution of the State of Texas, authorizing the levy of a special tax of not exceeding seventy-five cents on the one hundred dollars valuation and a vehicle tax of not exceeding one dollar on the one hundred dollars' valuation for the improvement and maintenance of public roads."

H. B. No. 91, A bill to be entitled "An Act providing that in all suits of mandamus or injunction against any person holding any public office in this State, and in his official capacity, after final trial and judgment in the trial court, and after notice of appeal to the Court of Appeals or Supreme Court has been given, should such person vacate such office, such suit shall not abate; providing that his successor may be a party to such suits, by motion, and providing for costs, and declaring an emergency."

H. B. No. 216, A bill to be entitled "An Act for the protection of citizens of this State, and of the United States, and citizens of countries having equal treaty rights with the United States on behalf of their citizens, who may be killed or injured in a foreign State or country, and providing for the procedure of trying such suits and causes of action in the courts of the State of Texas, and providing compensation therefor, and declaring an emergency."

H. B. No. 282, A bill to be entitled "An Act to amend Article 1121, Chapter 2, Title 25, Revised Civil Statutes of the State of Texas, relating to private corporations by adding thereto Section 77; providing for the building and operating dry docks and marine ways, repairing and constructing vessels and doing other re-

pair and construction work in connection therewith."

H. B. No. 222, A bill to be entitled "An Act to amend Article 4621, Chapter 32, of the General Laws of the Thirty-third Legislature of Texas, passed at the Regular Session thereof, being 'An Act to amend Articles 4621, 4622 and 4624, Title 68, Chapter 3, of the Revised Statutes of Texas, 1911, concerning the marital rights of parties, defining separate and community property of the husband and wife, conferring upon the wife the power to make contracts, authorizing suits on such contracts, giving the wife control over her separate property, placing limitations upon such control, giving her control over the rents from her separate real estate, interest on bonds and notes, and dividends on stock owned by her, and over her personal earnings, exempting the same from debts contracted by the husband, providing that the joinder of the husband shall be necessary to a conveyance or encumbrance of the wife's lands, bonds and stocks, except that upon the order of the district court she may convey the same without the joinder of her husband, repealing Article 4625, Title 68, Chapter 3, of the Revised Statutes of Texas, 1911, and all other laws and parts of laws in conflict herewith, and declaring an emergency," by providing that when the husband shall have permanently abandoned the wife, or shall be insane she may upon order of the district court, encumber, transfer or convey her separate real estate, bonds and stocks, without the joinder of her husband in such encumbrance, transfer or conveyance, and by providing that in such instances, upon order of the district court, she may transfer and convey her separate real estate, without the joinder of her husband in such transfer or conveyance, whether such separate real estate be occupied and claimed by her as a homestead or otherwise, repealing all laws and parts of laws in conflict herewith, and declaring an emergency," with engrossed rider.

Adopted Free Conference Committee report on House Bill No. 364 by the following vote: Yeas, 85; nays, 26.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
refused to pass

H. J. R. No. 17, Proposing to  
amend Section 1, Article 9, of the  
Constitution of the State of Texas, re-  
lating to taxation.

Copy herewith transmitted.

The House has passed the following  
bills:

H. B. No. 678, A bill to be entitled  
"An Act to amend Article 2771, Title  
48, Chapter 12, of the Revised Civil  
Statutes of 1911 of the State of  
Texas; providing for the selection of  
treasurer of the school fund in an in-  
dependent district of more than one  
hundred and fifty scholastics, whether  
it be a city which has assumed con-  
trol of the school within its limits or  
a corporation for school purposes  
only; providing for bond to be ex-  
ecuted by the treasurer, and fixing  
the conditions of said bond."

H. B. No. 792, A bill to be entitled  
"An Act creating and incorporating  
the Karnes City Independent School  
District in Karnes county, etc., and  
declaring an emergency" with en-  
grossed rider,

Respectfully,

BOB BANKER,

Chief Clerk House of Representatives.

#### House Bill No. 694.

The Chair laid before the Senate  
on second reading,

H. B. No. 694, A bill to be entitled  
"An Act to aid the city of Corpus  
Christi in elevating and raising a por-  
tion of said city and building a sea  
wall or breakwater so as to protect  
it from calamitous overflows, by  
donating to it the ad valorem taxes  
collected on property and from per-  
sons in Nueces county for a period of  
fifteen years, and to provide a penalty  
for their misapplication and declar-  
ing and emergency."

The committee report that the bill  
be not printed was adopted.

Senator Parr offered the following  
amendments, which were read and  
adopted, being voted on separately:

(1) Amend printed House Bill  
No. 694, Section 5, lines 6, 7, 8, and  
9, on page 3, by striking out the

words: "elevation and raising of the  
streets, avenues, alleys, sidewalks  
and lots in said city above calamitous  
overflows, and for securing and pro-  
tecting such filling by a sea wall or  
break water," and inserting in their  
stead the following words: "Con-  
struction and maintenance of sea  
walls, break waters, shore protections  
and jetties out into Corpus Christi  
Bay, and the filling in of the space  
between the shore and such sea walls,  
break waters and shore protections."

(2) Amend caption of printed  
House Bill No. 694, lines 7 and 8, by  
striking out the words "in elevating  
and raising a portion of said city, and  
building a sea wall or break water,"  
and inserting in their stead the fol-  
lowing words: "In constructing  
and maintaining sea walls, break  
waters, shore protections, and jet-  
ties out into Corpus Christi Bay,  
and to fill in the space between the  
shore and such sea walls, break  
waters and shore protections."

Senator Smith offered the follow-  
ing amendment, which was read and  
adopted.

(3) Strike out fifteen years wher-  
ever it appears and insert in lieu ten  
years.

On motion of Senator Parr, the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and House Bill No. 694  
put on its third reading and final  
passage by the following vote:

Yeas—29.

Alderdice.	Johnson of Hall.
Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.
Hudspeth.	

Absent.

Clark.

Decherd.

The bill was laid before the Sen-  
ate, read third time and passed fin-  
ally.

Senator Parr moved to reconsid-



er the vote by which H. B. No. 694 was passed and table the motion to reconsider.

The motion to table prevailed.

#### Senate Bill No. 488.

The Chair laid before the Senate on third reading,

S. B. No. 488, A bill to be entitled "An Act adding to and making a part of the Kingsland Independent School District of Llano County, Texas, certain lands and territory adjoining thereto situated in Burnet County, Texas, etc., and declaring an emergency."

The bill was laid before the Senate, read third time and passed finally.

#### House Bill No. 789.

The Chair laid before the Senate on second reading,

H. B. No. 789, A bill to be entitled "An Act to establish Common School District No. 10, in Dickens County, Texas, etc., and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Johnson of Hall, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 789 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Johnson of Hall.
Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.
Hudspeth.	

Absent.

Clark.	Floyd.
Decherd.	Robbins.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—25.

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Gibson.	Parr.
Hall.	Smith.
Harley.	Strickland.
Henderson.	Woodward.
Hopkins.	

Absent.

Clark.	Robbins.
Decherd.	Suiter.
Floyd.	Westbrook.

#### House Bill No. 823.

The Chair laid before the Senate, on second reading,

H. B. No. 823, A bill to be entitled "An Act adding to and making a part of the Rosenberg Independent School District of Fort Bend County, Texas, etc., and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Johnston of Harris, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 823 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Gibson.	Robbins.
Hall.	Smith.
Harley.	Strickland.
Henderson.	Suiter.
Hopkins.	

Absent.

Decherd.	Westbrook.
Floyd.	Woodward.

The bill was laid before the Senate, read third time and passed finally.

#### House Bill No. 610.

The Chair laid before the Senate on third reading:

H. B. No. 610, A bill to be entitled "An Act to amend Section 3 of House Bill No. 647, Chapter 136, of the Special Laws passed at the Regular Session of the Thirty-third Legislature relating to Tarrant County road system: providing for the raising of salaries of county commissioners of said county from \$2,000.00 to \$2,400.00 per annum and making it the duty of said commissioners to furnish their own conveyance while performing the duties of road commissioner and defray the expense of upkeep of same."

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—26.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Gibson.	Parr.
Hall.	Smith.
Harley.	Strickland.
Henderson.	Suiter.

Absent.

Decherd.	Westbrook.
Floyd.	Woodward.
Robbins.	

#### Senate Bill No. 163.

Senator Alderdice called up and the Chair laid before the Senate on third reading:

S. B. No. 163, A bill to be entitled "An Act creating the office of State Commissioner of Education, prescribing the manner of his election, defining his term of office, fixing his salary, prescribing his duties, providing for

substitute of title of 'State Commissioner of Education' for 'State Superintendent of Public Instruction,' and repealing all laws in conflict herewith."

Senator Alderdice moved to rescind the vote by which Senate Bill No. 163 was ordered engrossed.

The motion prevailed unanimously.

Senator Alderdice offered the following amendments, which were read and adopted, being voted upon separately:

(1) Amend Senate Bill No. 163 by striking out all after the enacting clause and inserting in lieu the following:

"Section 1. That the superintendent of Public Instruction shall receive an annual salary of \$4,500."

"Section 2. All laws and parts of laws in conflict herewith are hereby repealed."

(2) Amend S. B. No. 163 by striking out the caption to the bill and inserting in lieu thereof the following:

"A bill to be entitled An Act to fix the salary of the State superintendent of Public Instruction at \$4,500 per year, and repealing all laws and parts of laws in conflict herewith and declaring an emergency."

(3) Amend the bill by adding thereto Section 3 to read as follows:

Sec. 3. The near approach of the end of the present session together with the crowded condition of the calendar and the importance of the legislation herein contained, creates an emergency and an imperative public necessity requiring that the constitution rule requiring bills to be read on three several days be suspended, and said rule is suspended, and this Act take effect and be in force from and after its passage and it is so enacted."

The bill was read second time and passed to engrossment.

On motion of Senator Alderdice, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 163 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Dean.
Bee.	Floyd.
Buchanan of Bell.	Gibson.
Buchanan of Scurry.	Hall.

Harley.	McNealus.
Henderson.	Page.
Hudspeth.	Parr.
Johnson of Hall.	Smith.
King.	Strickland.
Lattimore.	Suiter.
McCollum.	

Absent.

Bailey.	Hopkins.
Caldwell.	Johnston of Harris.
Clark.	Robbins.
Dayton.	Westbrook.
Decherd.	Woodward.

The bill was laid before the Senate, read third time and passed finally.

## Senate Bill No. 490.

Senator Hudspeth asked unanimous consent to take up S. B. No. 490 and moved that constitutional rule requiring bills to be read on three several days be suspended and S. B. No. 490 put on its second reading, which motion prevailed by the following vote:

Yeas—24.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Floyd.	Parr.
Gibson.	Smith.
Harley.	Strickland.
Henderson.	Suiter.
Hopkins.	Westbrook.

Absent.

Bailey.	Johnston of Harris.
Clark.	Robbins.
Decherd.	Woodward.
Hall.	

The Chair laid before the Senate on second reading:

S. B. No. 490, A bill to be entitled "An Act to amend Section 6 of an Act passed by the present session of the Thirty-fifth Legislature and approved on the 16th day of March, 1917, pertaining to the development of minerals in the public free school lands and waters, and declaring an emergency."

The Senate rule requiring com-

mittee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 490 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Henderson.	

Absent.

Clark.	Johnston of Harris.
Decherd.	Parr.
Hopkins.	Woodward.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—27.

Alderdice.	Johnson of Hall.
Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.
Hudspeth.	

Absent.

Clark.	Hopkins.
Decherd.	Woodward.

## Executive Session—Time Set.

Senator Page moved that the Senate go into executive session next Monday at 10:15 o'clock a. m. for the purpose

of consideration of all appointments by the Governor.

The motion prevailed.

### House Bill No. 783.

The Chair laid before the Senate on second reading:

H. B. No. 783, A bill to be entitled "An Act to make an appropriation to pay debts contracted by the Prison Commission prior to January 7, 1915, making an itemized statement of such debts; making an appropriation to pay the interest which has or may accrue from the dates of maturity of such debts until the same are severally paid, and declaring an emergency."

The committee report carrying the committee amendments was adopted.

Senator Dean offered the following amendments, which were read and adopted, being voted on separately:

(1) Amend by striking out the engrossed rider which was adopted by the House March 8, 1917.

(2) Amend by striking out "\$75,000" in line 1, Section 2, of the bill and insert in lieu thereof "\$100,000."

Senator Caldwell offered the following amendment, which was read and adopted:

(3) Amend H. B. 783 by striking out the total "\$501,126.98" at the end of Section 1.

The bill was read second time and passed to third reading.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 783 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Clark.	Lattimore.
Dayton.	McCollum.
Dean.	McNealus.
Floyd.	Page.
Gibson.	Parr.
Hall.	Smith.
Harley.	Strickland.
Henderson.	Suiter.
Hopkins.	Westbrook.

Absent.

Bailey.  
Caldwell.  
Decherd.

Robbins.  
Woodward.

The bill was laid before the Senate, read third time and passed finally.

### Free Conference Committee Report on Senate Bill No. 95.

Committee Room,  
Austin, Texas, March 16, 1917.

To Hon. W. P. Hobby, President of the Senate, and Hon. F. O. Fuller, Speaker of the House of Representatives:

Sirs: We, your Conference Committee appointed to consider the differences between the two Houses on Senate Bill No. 95, "An Act to amend Article 3837 of the Revised Statutes of 1911, so as to provide that the permit fees for corporations payable to the Secretary of State under the provisions of Article 3837, Chapter 1, Title 58, of the Revised Statutes of the State of Texas shall be based upon the capital stock of corporations domestic and foreign, issued and outstanding, not exceed the sum of twenty-five hundred dollars," have met and after full and free conference have agreed to make and do make the following recommendations, to wit:

First, that the House recede from its five amendments, designated as Committee Amendments.

All of which is respectfully submitted.

GIBSON,  
DAYTON,  
HUDSPETH,  
BEE,  
KING,

On Part of the Senate.  
COPE,  
McMILLIN,  
WILLIAMS of Brazoria,  
WILLIAMS of McLennan,  
MURRELL,

On Part of the House.

On motion of Senator Gibson, the Senate adopted the foregoing report.

### House Bill No. 813.

The Chair laid before the Senate on second reading,

H. B. No. 813, A bill to be entitled



"An Act creating Smiley Independent School District in Gonzales County, Texas, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator Harley offered the following amendment:

Amend House Bill No. 813 by striking out all of Section 12 and insert therein, in lieu thereof, a new section to be known as Section 12, to read as follows:

Section 12. All claims, demands, properties, moneys, rights, privileges and immunities of the old Smiley Independent School District shall be, and are hereby, transferred to the new Smiley Independent School District hereby created.

The amendment was read and adopted.

On motion of Senator Harley the bill was read second time and passed to its third reading.

#### Adjournment.

At 6:45 o'clock p. m. on motion of Senator Page, the Senate adjourned until 10 o'clock tomorrow.

#### APPENDIX A.

##### Petitions and Memorials.

Senator Smith sent up and had read a petition from Center, Texas, urging his support of the anti pool hall bill.

##### Engrossing Committee Reports.

Committee Room,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 484 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 489 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Joint Resolution No. 2 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 478 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 155 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 195 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 257 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 258 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 259 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 488 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 485 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

#### Committee Reports.

##### (Floor Report)

Senate Chamber,  
Austin, Texas, March 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Education, to whom was referred,

H. B. No. 789, A bill to be entitled "An Act to establish Common School District No. 10 in Dickens County, Texas, and extending its boundaries so as to include certain lands heretofore in Common School District No. 1, of said Dickens County, Texas, provided that such parts of Common School District No. 1 of said Dickens County, as may hereafter be included in Common School District No. 10 shall continue to be subject to taxation for the payment of the principal and interest, and creating a sinking fund of any bonds that may have heretofore been issued by School District No. 1, and remaining unpaid, conferring upon said Common School District No. 1, all authority now conferred by the general laws of the State of Texas upon common school districts, and placing

the affairs of said district in a board of trustees to be composed of three members and conferring the power upon the County Judge of said Dickens County, Texas, to appoint three trustees for said common school district No. 10, one of whom shall hold office until May 1, 1918, or until his successor has been duly elected and qualified, and the other two shall hold office until May 1, 1919 or until their successors are duly elected and qualified, and thereafter to be elected as directed by the statute governing common school districts, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Bee, chairman; Page, Lattimore, Dayton, Buchanan of Scurry, Johnson, Robbins, Floyd, Smith, Alderdice, Decherd.

Committee Room,  
Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Education, to whom was referred,

H. B. No. 823, A bill to be entitled "An Act adding to and making a part of the Rosenberg Independent School District of Fort Bend County, Texas, certain lands and territory adjoining thereto, situated in Fort Bend County for school purposes; giving the board of trustees of said district power and jurisdiction over said lands and territory and the inhabitants thereof; requiring such board of trustees to levy, assess and collect and pay into the treasury annually a proportional part of a certain tax fund existing on part of said territory, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

BEE, Chairman

##### (Floor Report)

Senate Chamber,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred,

H. B. No. 797, A bill to be entitled

"An Act to repeal Chapter 72, Local and Special Laws of Texas passed at the Regular Session of the Thirty-fourth Legislature, said Chapter being an Act to create a special road law for Johnson County; to provide for a special road tax; to provide for four precinct road superintendents; providing for salaries and bonds of said superintendents, and specifying duties of said precinct road superintendents, also the salary of county commissioners for road inspection; regulating the hiring of teams on said roads; and declaring an emergency,"

Have had the same under consideration and beg to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Gibson, Clark, Floyd, Buchanan of Scurry.

(Floor Report)

Senate Chamber,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred,

H. B. No. 829, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of the Special Road Laws of Cass County, Texas, enacted by the regular session of the Thirty-third Legislature, 1913, which became effective March 5, 1913, same being an Act to create a more efficient road law for Cass County, making the county commissioners ex officio road supervisors, defining their duties and fixing their salaries, providing for the appointment of a civil engineer and naming the salary of said civil engineer, and declaring an emergency,"

Have had the same under consideration and beg to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Gibson, Buchanan of Scurry, Floyd, Smith.

(Floor Report)

Senate Chamber,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on

Roads, Bridges and Ferries, to whom was referred,

H. B. No. 808, A bill to be entitled "An Act to create a more efficient road system for Jasper County, Texas, and making the commissioner's court of said county ex officio road commissioners in their respective precinct, and providing for and fixing their compensation as such road commissioners; defining the powers and duties of the commissioner's court with reference to roads and bridges; providing for the appointment of road overseers and defining their duties; providing for the appointment of a county road superintendent and fixing the powers, compensation and duties of said superintendent; giving persons subject to road duty in Jasper County, and persons summoned to work on the public roads of said county the right to be relieved from the discharge of said duty on the payment of specific sums of money herein stipulated; providing for the working of county convicts on the public roads of said county. This Act shall control in Jasper County in all cases where it differs from, or is in conflict with the general laws relative to public roads, making this Act cumulative and declaring an emergency,"

Have had the same under consideration and beg to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Gibson, Clark, Floyd, Buchanan of Scurry.

(Floor Report)

Senate Chamber,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred,

H. B. No. 820, A bill to be entitled "An Act creating a more efficient road system for Bowie County, Texas, and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Clark, Gibson, Floyd, Buchanan of Scurry.

## (Floor Report)

Senate Chamber,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred,

H. B. No. 836, A bill to be entitled "An Act to amend Section 10, Chapter 76, Local and Special Laws passed by the Regular Session of the Thirty-second Legislature, being an Act to amend Section 10, of Chapter 79, General Laws passed by the Twenty-seventh Legislature, which said Chapter was also amended by Acts of the Thirty-first Legislature of the State of Texas, creating more efficient road system for Brown County, Texas; and making the county commissioners of said county ex officio road commissioners and prescribing their duties as such and providing for their compensation as such road commissioners; and declaring an emergency, so as to increase the number of days the road commissioners may serve as road supervisors from fifty to seventy-five days per quarter; and providing that in no event shall they receive a greater sum than two hundred and twenty-five (\$225.00) dollars per quarter; and declaring an emergency,"

Have had the same under consideration and beg to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Gibson, Clark, Floyd, Buchanan of Scurry.

## (Floor Report)

Senate Chamber,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. Bill No. 526,

Have had the same under consideration and we hereby report the same back to the Senate with the recommendation that it do pass and be not printed.

Bailey, Chairman; Suiter, Bee, Latimore, Hall, Alderdice, Hopkins, Harley.

## (Floor Report)

Senate Chamber,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred,

H. B. No. 501, A bill to be entitled "An Act to make appropriations to cover the cost of permanent building and equipment of same, for the use of the Texas State Quarantine service at Sabine, Texas, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

Hudspeth, Chairman; Clark, Parr, Caldwell, Dean, Johnson, King, Page, Hopkins, Bee, Decherd, Johnston of Harris, Westbrook.

By Denton and  
O'Brien,

H. B. No. 501.

A BILL  
To Be Entitled

An Act to make appropriation to cover the cost of permanent building and equipment of same, for the use of the Texas State Quarantine service at Sabine, Texas, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there is hereby appropriated out of the public funds of the State Treasury, of the State of Texas, out of money not otherwise appropriated, the sum of sixty-five thousand (\$65,000) dollars, or so much thereof as may be necessary, for the purpose of paying for the erection and equipment of a storm and fire-proof building, to be used as a quarantine station at Sabine, Texas.

Sec. 2. The fact that the storm of August, 1915, which swept the coast of Texas, entirely destroying the Texas State Quarantine Station and equipment at Sabine, and leaving six ports, namely: Sabine, Sabine Pass, Port Arthur, Port Neches, Beaumont and Orange, without a station and equipment to properly handle quarantines and protect these ports against the introduction of ship borne diseases, creates an imperative public necessity that the constitutional pro-



vision requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

(Floor Report)

Senate Chamber,  
Austin, Texas, March 16, 1917.  
Hon. W. B. Hobby, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 568, A bill to be entitled "An Act making it an offense for any person who is treasurer of any school district in this State or for any officer, director, stockholder, agent or employe of any corporation that is the treasurer or depository of any school district in this State to fraudulently take, misapply or convert to his own use any of the money, property or other things of value belonging to such districts or to secrete the same with intent to take, misapply or convert it to his own use, or to pay or deliver the same to any person knowing that he is not entitled to receive it; prescribing a penalty and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

Page, Chairman; Hudspeth, Westbrook, Caldwell, Suiter, Hall, Lattimore.

(Floor Report)

Senate Chamber,  
Austin, Texas, March 16, 1917.  
Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on State Institutions and Departments, to whom was referred,

H. B. No. 451, A bill to be entitled "An Act to provide for the location, establishment and construction of a hospital at Rusk, Texas, for the care, treatment and support of insane persons of the African race, or African descent, and granting the use of certain State property at Rusk, Texas, for the use of the same, providing that the Governor of this State, the Comptroller of Public Accounts and the State Treasurer shall constitute a

board to locate said asylum and to let all contracts for the establishment and construction of the same; making an appropriation thereof; and declaring an emergency,"

Have had the same under consideration and beg to report it back to the Senate, with the recommendation that it do pass, and that the same be printed in the Journal only.

Strickland, Chairman; Buchanan of Scurry, McCollum, Westbrook, Woodward, Floyd, Hopkins.

By Neeley, H. B. No. 451.

#### A BILL To Be Entitled

An Act to provide for the location, establishment and construction of a hospital at Rusk, Texas, for the care, treatment and support of insane persons of the African race, or African descent, and granting the use of same, providing that the Governor of this State, the Comptroller of Public Accounts and the State Treasurer shall constitute a board to locate said asylum and to let all contracts for the establishment and construction of the same; making an appropriation therefor; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That there shall be constructed, established and maintained a hospital for the care, treatment and support of all insane persons in this State of African blood or of African descent. It shall be known as the hospital for negro insane. The hospital shall be located at Rusk, Texas, and on the property there situated and owned by the State of Texas, and now held and in part used by the penitentiary system of the State.

Sec. 2. As soon as this act becomes effective and operative the Governor shall appoint a board of managers for said hospital in accordance with the provisions of Title 10 of the Revised Civil Statutes of the State of Texas, who shall have the power, and authority and shall receive the compensation and shall perform the duties provided in said law, and in accordance with the general laws of this State. Said board of managers shall, in addition to the duties and powers given them in said laws, have the authority, and

it shall be their duty to employ, with the consent of the Governor, the State Architect, if his services are available, and if not, some other architect to prepare plans and specifications for the erection, remodeling, change, repair or alteration of such building or buildings and the installing of such equipment as may be necessary to construct or alter or install as may be proper or necessary to carry out the provisions of this Act. Said board of managers, under the control and direction of the Governor, Comptroller of Public Accounts, and State Treasurer, shall have the power and it is made their duty to select the site for said hospital on the property belonging to the State at Rusk, Texas, and all or any part of said property or such portion thereof as may be so selected by them under the control and direction of the Governor, Comptroller of Public Accounts and State Treasurer, is hereby set aside to and for said hospital.

Sec. 3. The board of managers for said hospital, appointed by the Governor, shall appoint a superintendent of said hospital, whose duties, qualifications, terms of office and emoluments shall be the same as are now or may hereafter be provided by law for the superintendent of the State Lunatic Asylum at Austin, Texas.

Sec. 4. As soon as practicable after this Act becomes effective, all negro insane persons in this State, now inmates of any jail or insane asylum in this State shall be transferred to the hospital for Negro Insane, and hereafter all insane persons of African blood entitled by law to be admitted to the asylums of this State, shall be sent to said hospital at Rusk, Texas.

Sec. 5. The support and general management of the said hospital shall be the same and equal in every respect as that which are now provided or as may hereafter be provided for the other asylums for the insane in the State of Texas.

Sec. 6. All boards of managers, superintendents, officials and physicians shall be white persons, and as many of the other employes and attendants as practicable shall be white persons.

Sec. 7. The board of managers, under the control and direction of the Governor, Comptroller of Public Accounts and State Treasurer, shall

cause to be erected fireproof buildings or have remodeled existing buildings selected by them so that they will be of such character so that such buildings erected or remodeled shall be of substantial, permanent and suitable character sufficient to accommodate at least 1,000 inmates; said buildings to be provided with modern improvements for furnishing water, heat, ventilation and sewerage and otherwise in keeping with modern ideas of the suitable character for buildings and appliances to obtain best results in the treatment and care of insane persons. The board of managers, with the consent of the Governor, may select a competent architect to supervise the erection, remodeling and equipment of all said buildings and other improvements, all of which shall be made and erected under the direction, management and supervision of the superintendent of said hospital and of the supervising architect to be appointed by the board with the consent of the Governor, which supervising architect shall be under the control of the State Architect. The salary and compensation of such supervising architect shall be deducted from the appropriations made herein for said hospital, and is not to exceed \$2,500 per annum. Bids to erect, said or such buildings, alter, remodel or repair such buildings, and install such other improvements shall be let to the lowest responsible bidder or bidders, the bids being so arranged that the different buildings and units of the same and installation may be bid upon by items or units; the contractor or contractors shall enter into a good and sufficient bond to be approved by the Governor, all awards to bidders to be made with his approval, and payable to the State of Texas in a sum double the amount of the contract, conditioned that he or they will do the work contracted for according to the plans and specifications furnished by the architect, and use such materials in the construction remodeling or repair of such buildings, equipment and improvements as may be called for in said plans and specifications and comply in every respect with all the conditions of said contract and pay for all labor and material; 80 per cent of the value of the materials to be paid when actually delivered on the grounds, and the same per cent for

labor when done, payable every two weeks, to be only payable on the certificate of the supervising architect, approved by the State Architect and the Governor, and the remaining 20 per cent to be paid when said buildings, equipment or other improvements are completed to the entire satisfaction of the Governor, supervising architect and State Architect and received by them; provided, that the Comptroller shall not issue any warrants except upon itemized statements sworn to by the contractor or contractors and approved by said supervising architect and the Governor as a voucher for same, which shall be filed with the Comptroller. The architect, if other than the State Architect, preparing plans and specifications, and the supervising architect, shall each execute a bond payable to the State of Texas at Austin, Texas, in a sum to be fixed by the Governor, and to be approved by him, with good and sufficient sureties, conditioned that said architect or architects shall be liable and bound to pay to the State of Texas all such damages as it may sustain by reason of defective plans specifications, or any wilful failure or negligent performance of duty.

Sec. 8. That there shall be, and there is hereby appropriated out of the general revenues of this State, not otherwise appropriated, the sum of two hundred thousand (\$200,000) dollars, or so much thereof as may be necessary, for the building and remodeling and equipment of buildings and other improvements as herein provided for.

Sec. 9. That in the provisions made in the erection or remodeling of buildings due care and thought should be given, and such improvements should be made so that the capacity of the hospital may be added to and enlarged from time to time as necessity may arise in the future.

Sec. 10. So much of the lands of the East Texas penitentiary at Rusk, Texas, as may be requisite and needful, as well as any improvements now situated thereon, for such buildings, grounds, parks, for pasturage, orchards and for growing agricultural products are hereby set aside for the use of said hospital.

Sec. 11. The Governor, Comptroller of Public Accounts and State Treasurer shall constitute a board to determine what, if any, property now

owned by the State at Rusk, Texas, and used in whole or in part by the penitentiary system, shall be set apart to and used permanently by the hospital; and the Governor, together with the State Comptroller of Public Accounts and the State Treasurer shall let the contract or contracts for the construction or remodeling of said buildings, equipment or other improvements.

Sec. 12. The commissioners of the penitentiary are hereby directed and required to furnish said board of managers with a sufficient number of able-bodied convicts to prepare the grounds for such hospital buildings and to do the excavating and other work for the construction of said buildings, and to prepare and deliver all such materials as may be required in the construction and equipment of said buildings, and to do and perform all other work in the erection and construction of such buildings for which convicts may be found suitable and competent.

Sec. 13. Whereas, there now being a large number of negro insane persons in jails of this State, and also in the asylums of this State, which asylums are absolutely needed and required for exclusive use, support and habitation of white insane persons; and, whereas, the present asylums of this State are not sufficient to properly care for the maintenance and support of such white insane persons; and, whereas, it is not to the public interest that such white and negro insane persons be confined in the same institutions, creates a public emergency and imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

#### (Floor Report)

Senate Chamber,

Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred,

S. B. No. 370, A bill to be entitled "An Act to amend Articles 628 and 632 of Chapter 2, title 18, of the Revised Civil Statutes of the State



of Texas (1911 compilation), said Chapter being Chapter 7 of the general laws of the first called session of the Thirty-first Legislature, 1909, entitled 'An Act to authorize any county or political subdivision or other defined district of the county upon a vote of two-thirds majority of the resident property tax paying voters thereof, who are qualified electors of such county or political subdivision or defined district of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district thereof, etc.,'; and to add to said Chapter Articles 637a, 637b, 637c, 637d, 637e and 637f, providing that in any county wherein a road district or road districts have been formed or may hereafter be formed and have issued bonds for the purpose of constructing public roads, the Commissioner's Court of the county shall, upon petition, submit to the qualified voters of the county the proposition as to whether or not bonds shall be issued for the purpose of purchasing or taking over the improved roads already constructed in said district or districts and of further constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes throughout such county; requiring the Commissioner's Court to set apart from such county issue bonds in sufficient amount to retire all outstanding district bonds and prescribing the methods thereof, either by exchange with the holder or holders of said district bonds or by depositing county bonds to the credit of such district or districts, providing for levy and collection of taxes for said county bonds and dispensing with taxes for said district bonds, authorizing the necessary adjustment of sinking funds, providing for the issuance and sale of county bonds in excess of the amount needed to retire the district bonds and for expenditure of funds thus realized, prohibiting the overlapping of road districts or subdivisions of the county, providing for the proper investment of the sinking funds of road bonds, declaring that the interest arising from any such investment shall become a part of the sinking fund and prohibiting the diversion of said interest and said

sinking fund for any other purpose, making the same a penal offense, and providing suitable punishment therefor, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Gibson, Buchanan of Scurry, Strickland, Smith.

(Floor report.)

Senate Chamber,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

H. B. No. 826, A bill to be entitled "An Act creating the Pandora Independent School District in Wilson County, Texas; defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district; investing said district with the rights, powers and privileges and duties of a town or village incorporated for free school purposes only under the General Laws, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Bee, Chairman; Alderdice, Buchanan of Scurry, Lattimore, Page, Decherd, Dean, Smith, Dayton and Bailey.

(Floor Report)

Senate Chamber,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred

H. B. No. 828, A bill to be entitled "An Act to create the Tahoka Independent School District in Lynn County, Texas, out of the territory known as Tahoka Common School District No. 2 in said county, defining its boundaries, etc. and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the



recommendation that it do pass, and be not printed.

Bee, Chairman; Smith, Alderdice, Buchanan of Scurry, Johnson, Bailey, Floyd, Dean.

(Floor Report)

Senate Chamber,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred,

S. B. No. 487, A bill to be entitled "An Act making appropriations for deficiencies in appropriations heretofore made for the support of the State government for the fiscal years ending August 31, 1912, 1913, 1914, 1915, 1916 and part of 1917, being for claims registered in the office of the Comptroller of Public Account in accordance with the law, and for outstanding claims not registered and to be registered, and to make additional emergency appropriations for the support of the State government for the year ending August 31, 1917, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the bill back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Caldwell, Johnson, Johnston of Harris, Hopkins, Decherd, King, Page, Bee, Parr, Westbrook, Clark, Dean.

(Floor Report)

Senate Chamber,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred,

S. B. No. 490, A bill to be entitled "An Act to amend Section Six of an Act passed by the present session of the Thirty-fifth Legislature and approved on the 16th day of March, 1917, pertaining to the development of minerals in the public free school lands and waters, and declaring an emergency,"

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Parr, Chairman; Decherd, Buchanan of Scurry, King, Dayton, Buch-

anan of Bell, Hall, Johnson, Hudspeth.

Committee Room,

Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred,

H. B. No. 319, A bill to be entitled "An Act to amend Article 1974, Section 3, Chapter 59, page 113, of the General Laws of the State of Texas passed by the Thirty-fifth Legislature at its regular session,"

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do pass with the following Committee amendments and be not printed, but be printed in the Journal.

Amend H. B. No. 319, by striking out all above the enacting clause and substitute the following in lieu thereof:

"An Act to amend Article 1974 of the Revised Civil Statutes of 1911, as amended by Section 3, Chapter 59, page 113 of the General Laws of the State of Texas passed by the Thirty-third Legislature at its regular session, relating to special instructions, and providing that when a special instruction is requested and refused by the court, the said special instruction and the action of the court in refusing same when endorsed thereon shall within itself constitute a bill of exception."

Amend H. E. No. 319, by striking out the words "and exceptions allowed," as they appear in quotations in Article 1974 in the bill.

BAILEY, Chairman.

Committee Room,

Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred,

S. B. No. 483, A bill to be entitled "An Act to amend Title 12, Article 317 of the Revised Civil Statutes of the State of Texas, Acts of the Twenty-ninth Legislature of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

BAILEY, Chairman.

Committee Room,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred, S. B. No. 463, A bill to be entitled "An Act to authorize the formation of corporations under the general corporation laws of this state, for the purpose of producing cotton, sugar cane and rice as their principal business; the ownership of lands necessary for such purposes not to exceed 5,000 acres, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do pass and be not printed, but be printed in the Journal.

BAILEY, Chairman.

By Bee, Decherd. S. B. No. 463.  
Page, Dean.

#### A BILL To Be Entitled

An Act to authorize the formation of corporations under the general corporation laws of this State, for the purpose of producing cotton, sugar cane and rice as their principal business; the ownership of lands necessary for such purposes not to exceed 5,000 acres, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That hereafter corporations may be formed under the general corporation laws of this State for the purpose of engaging in the production of cotton, sugar cane and rice as their principal business. Said corporations shall have authority to own land sufficient for their corporate purposes, provided they shall not at any one time own or control, by lease or otherwise, an amount of land in excess of 5,000 acres.

Sec. 2. The crowded condition of the calendar, the near approach of the end of this session of the Legislature and the importance of this Legislation to land owners in the river bottoms of this state, where the physical conditions require the investment of large amounts of money in order to farm successfully, creates an emergency and an imperative public neces-

sity, which requires that the constitutional rule providing that bills shall be read on three several days shall be suspended and said rule is hereby suspended, and that this Act take effect and be in force from and after its passage and it is so enacted.

#### Enrolling Committee Reports.

Committee Room,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 461 and find it correctly enrolled, and have this day at 3:55 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 465, and find it correctly enrolled, and have this day at 3:55 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 451 and find it correctly enrolled, and have this day at 5 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 224 and find it correctly enrolled, and have this day at 3:55 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Harley.

S. B. No. 224.

An Act to amend Title 86, Chapter 4, of the Revised Civil Statutes of 1911, by adding after Article 5644 a new Article to be entitled 5644a; providing for a lien for newspaper workers in the editorial or reportorial department of any newspaper, publication or periodical, whether it be daily or otherwise; also any solicitor, clerk or other employe in the advertising or business offices of any newspaper, publication or periodical, whether it be daily or otherwise, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Article 5644a. Whenever any newspaper worker in the editorial or reportorial department of any newspaper, publication or periodical, whether daily or otherwise, also any solicitor, clerk or other employe in the advertising or business office of any newspaper, publication or periodical, whether daily or otherwise, shall labor or perform any service in any of the departments or offices of such newspaper or periodical, under or by virtue of any contracts or agreements, written or verbal, with any person, employer, firm, corporation, or his, her or their agent or agents, receiver or receivers, trustee or trustees, in order to secure the payment of the amount due by such contract or agreement, written or verbal, the hereinbefore mentioned employes shall have a first lien upon all products, papers, machinery, tools, fixtures, appurtenances, goods, wares, merchandise, subscription contracts, chattels, thing or things of value of whatsoever character that may be created in whole or in part by the labor of such persons, or necessarily connected with the performance of such labor or service which may be owned by, or in possession of the aforesaid employer, person, firm, corporation or his, her, or their agent, or agents, receiver or receivers, trustee or trustees.

The fact that there is no law giving to employes in the newspaper business any lien furnishing adequate protection to them in their rights creates an emergency and an imperative public necessity that the constitutional rule requiring that

bills be read on three several days be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 334 and find it correctly enrolled, and have this day at 3:55 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Harley.

S. B. No. 334.

An Act to make an emergency appropriation for the purpose of purchasing and installing a storage tank and other facilities to store and convey oil from the Southwest Texas State Normal, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of \$3,250 or so much thereof as may be necessary, be and the same is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, to pay for the purchase and installing of an oil tank, piping and other facilities in connection therewith, for the Southwest Texas State Normal School at San Marcos.

Sec. 2. The fact that the Governor of the State authorized a deficiency appropriation heretofore for the purchase and installing of a crude oil engine at the Southwest Texas State Normal, and the fact that the same is now installed and ready for use, and that the school is in need of a larger quantity of crude oil, and it is necessary to have storing facilities for same, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled

Bills have carefully examined and compared Senate Bill No. 231 and find it correctly enrolled, and have this day at 10:40 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Westbrook, S. B. No. 231.  
Hudspeth, Henderson,  
Gibson, Smith,  
Robbins, Parr,  
Harley, Hill, Clark.

An Act authorizing the State Normal School Board of Regents to purchase the properties of the East Texas Normal College located at Commerce, in Hunt County, Texas, in so far as the appropriation made provides for the purpose, and to receive the balance of the value thereof as a donation in the event the Board should find the facts stated in the preamble to this bill substantially true, and providing that if the Board should not find the properties equal to the value stated in the preamble they may decline to purchase the property until further directed by the Legislature; providing for an examination of the title of the property by the Attorney General, the execution of deeds and bills of sale to the Governor of the State for the use and benefit of the State; creating a normal school to be one of the normal schools of the State, to consist of the original equipment, properties and buildings of the present existing East Texas Normal College located at Commerce, as aforesaid; providing that said normal college shall be conducted as other State normals, and under the management and control of said Board; declaring that all laws of the State applicable to State normals shall be applicable to said East Texas Normal College; providing that the appropriation shall not be paid over in the consummation of the purchase of the properties here referred to prior to the 31st of August, A. D. 1918; authorizing the said Board after the purchase of the property to permit the school to continue under its present management as a private institution until the Thirty-sixth Legislature makes an appropriation for its support and maintenance; appropriating the sum of \$80,000 for the purchase of

said property, and declaring an emergency.

Whereas, There is in existence and being maintained and operated at Commerce, within this State, an independent and privately owned normal college known as the "East Texas Normal College" which has been in existence some twenty-three years and has educated many thousand young men and young women of the State and particularly during said period of time has had in attendance upon it many thousand young men and young women who have taken the examinations provided for teachers of the State in obtaining certificates, and, among others, 7,463 who, during the last ten years have attended the summer sessions of this school alone, and taken the examinations for teachers' certificates, which said record in the education of teachers compares favorably with the various normal schools of the State for the same period of time jointly and severally, and,

Whereas, Said school is one already equipped for educational purposes, having, among other properties, the following, to wit: Thirty acres of land for campus and school purposes of the reasonable value of \$15,000.00; a three-story brick administration building, with concrete foundations and basement of the reasonable value of \$50,000.00; a three-story girls' dormitory of similar construction of the reasonable value of \$50,000.00, containing 130 outside rooms, together with a dining hall capacity, and which has furnished a dining capacity of 600 students at one time; a three-story brick boys' dormitory of similar construction with 116 outside rooms, of the reasonable value of \$30,000.00; a three-story frame dormitory furnishing sufficient room occupancy for 60 students valued at \$5,000.00; said three dormitories having a capacity to care for 560 students; a three-story brick science hall commodious and ample for instruction, and experiments in the natural sciences sufficient to accommodate an average student body of 1,000 students, of the reasonable value of \$10,000.00; a library of 10,000 well selected volumes, well housed and accessible in the administration building, and physical and chemical laboratory furnishings and apparatus, which, with the library aforesaid, is of the reasonable value of



\$15 000.00; making a total valuation of said educational plant in the sum of \$175,000.00, and the citizens of Commerce, Texas, further obligate themselves to purchase and present to the State ten (10) acres of land either joining said campus of said East Texas Normal College, or of such proximity to the said campus, as to be of use to the said institution as a part of the campus, making forty acres as the total amount of land in said campus; and,

Whereas, The growth and success of said school has demonstrated the necessity for its existence and the utility of its location, and,

Whereas, The citizens of Commerce have proposed to the Legislature the donation of said school to the State as a normal school, provided, the Legislature will pay therefor the sum of \$50,000.00 to the founder of said school, who has his life savings invested therein, and,

Whereas, The citizens of said town of Commerce own a plot of ground consisting of about five acres on which there is a three-story brick dormitory, also owned by the citizens of said town of Commerce, which they propose to donate to the State for use by the Normal College hereinafter referred to, and the said five acres above referred to being a part of the land herein referred to as the campus of said institution, and,

Whereas, Said town of Commerce is also willing to make a valid contract to furnish such water as may be needed in the operation of said normal school, and,

Whereas, Said citizens of Commerce have proposed to the Legislature a donation of said property hereinabove described; provided, that the State will pay therefor the sum of \$80,000.00 to the founder of said school, and who is now owner thereof, except the said five acres of land and the brick dormitory thereon; now, therefore,

Be it enacted by the Legislature of the State of Texas:

Section 1. That the State Normal School Board of Regents is hereby authorized and empowered to purchase the aforesaid property of said East Texas Normal College insofar as the appropriations herein made provide for a purchase. in the event said Board shall find the facts stated herein sub-

stantially true, and that said property including said five acres of land and brick dormitory thereon, is reasonably worth the said sum of \$175,000.00. But if, in the opinion of the Board, said property is not reasonably worth said sum of \$175,000.00, then they are authorized, in their discretion, to purchase said property by paying therefor such pro rata part of \$80,000.00 as the value of said property as they may determine it, shall bear to said sum of \$175,000.00, provided, that said citizens of Commerce shall donate to the State of Texas, for and as part of said normal school, said five acres of ground, and the city of Commerce shall enter into a valid contract to furnish free of charge to the State for said normal school all water used by said institution. In the event said purchase of said property, said Board shall cause the title thereto to be examined by the Attorney General, and if approved, then shall take deeds covering all of said land and bill of sale covering said library and other personal property belonging to said East Texas Normal College, in which deeds and bills of sale, said property shall be conveyed to the Governor of the State of Texas, and his successors in office for the use and benefit of the State of Texas and said school.

Sec. 2. There is hereby created a normal school to be one of the State normals of this State, to be located at Commerce, in Hunt County, Texas, and to consist in original equipment of the properties and buildings, and furnishing and equipment to be purchased as herein provided from the owners of the East Texas Normal College heretofore referred to.

Sec. 3. Said normal college shall be conducted as the other State normals of this State are conducted; shall be under the management and control of the State Normal School Board of Regents, and all laws of this State applicable to State normal schools, both in creating rights and prescribing limitations, and in all other respects shall be applicable to the said East Texas Normal College.

Sec. 4. The appropriation herein provided shall not be paid over in the consummation of the purchase of the properties here referred to prior to the 31st day of August, A. D. 1918, nor shall the properties referred to become the property of the State until the

deeds are received after the date above named and the money paid therefor. It is further provided that the said Board, after the purchase of said property as aforesaid, shall have authority to permit the school to continue under its present management and as a private institution under the direction of the State Normal School Board of Regents; and the citizens of Commerce obligate themselves to pay for the maintenance of said institution under its present management until the Thirty-sixth Legislature makes an appropriation for its support and maintenance, at which time the Board of Regents shall then take complete charge and operate the same as the State's school.

Sec. 5. The sum of \$80,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the treasury not already appropriated, for the purpose of carrying into effect the provisions hereof in the purchase of the property aforesaid.

Sec. 6. The importance of this legislation, and the desire of the people who are patrons of the said East Texas Normal College to place the same on a permanent basis at the earliest practicable date, and the fact that the calendar is in a crowded condition, creates an emergency and an imperative public necessity which requires that the constitutional rule providing that bills be read on three several days be suspended, and said rule is suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 13 and find it correctly enrolled, and have this day at 3:55 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By McNealus.

S. B. No. 13.

An Act providing for the payment by any county of the State of Texas of a monthly allowance to indigent widowed mothers for the partial support of their children in their own homes, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any widow who is the mother of a child or children under the age of sixteen years and who is unable to support them and to maintain her home, may present a petition for assistance to the board of county commissioners of the county wherein she resides.

Sec. 2. Such petition shall be verified and shall set forth the following:

(a) Her name, the date of the death of her husband, the names of her children, and the dates and places of their birth and the time and place of her marriage.

(b) Her residence and the length of time that she has been a resident of the State, the length of time she has lived at said residence and the address or addresses of her place or places of abode for the previous five years, and the date, as near as possible, when she moved in and when she left said place or places of residence.

(c) A statement of all the property belonging to her and to each of her children, which statement shall include any future or contingent interests which she or any of them may have.

(d) A statement of the efforts made by her to support her children.

(e) The names, relationships and addresses of all her and her husband's relatives, that may be known.

(f) The names, sex, and age of each of her children, giving date and place of birth of same.

Sec. 3. A copy of the petition provided for in section two hereof and a notice of the time and place when it will be presented to the Board of County Commissioners must be served on or mailed to the county judge as chairman of the board at least five days before the time the Board shall be requested in said petition to meet to consider the same.

Sec. 4. Upon the return of the petition and notice the Board of County Commissioners shall examine under oath all who desire to be heard; provided, however, that the Board may, in its discretion, issue subpoenas for the attendance of witnesses and adjourn the hearing from day to day; and provided, how-

ever, that the Board may refer said matter to a commissioner to be appointed by the Board to hear such witnesses. Said commissioner shall make a report to the Board setting forth the facts as proven before him.

Sec. 5. If, upon the completion of the examination provided for under section four hereof, the Board concludes that, unless relief is granted, the mother will be unable to properly support and educate her children, and that they may become a public charge, it may make an order directing that there shall be paid to the mother, monthly, out of the county funds, the following amounts, for the maintenance and support of the children under sixteen years old; not more than twelve dollars for one such child; eighteen dollars for two children; and four dollars per month additional for each additional child; and it is provided further that said allowance or relief shall be discontinued after said child or any of said children as mentioned in Section one of this Act has reached the age of sixteen years.

Sec. 6. It shall be the duty of the Board of County Commissioners to see that any widow receiving an allowance as provided for under this Act is properly caring for her children, that they are sufficiently clothed and fed, and when it is found that she is not properly caring for her child or children, or that she is an improper guardian for such child or children, or when the Board shall find that she no longer needs such support as is afforded by said allowance, the Board shall thereupon revoke or cancel any order made pursuant to this Act, at any time with or without notice, and in lieu thereof make any order that in the judgment of the Board may protect the welfare of the child or children.

Sec. 7. Provided that the Commissioners' Court shall have the right to refuse any and all applications for allowances under this Act, and their action in so doing shall be final and not subject to review by any court.

Sec. 8. Provided that no person shall be entitled to receive allowances under the terms of this Act until after they have been a bona fide resident of the State of Texas for five years and the county in

which they make their application for at least two years.

Sec. 9. The fact that many widowed mothers of this State are without sufficient means of support for themselves and their children, creates an emergency and an imperative public necessity requiring that the constitutional rule, which provides that bills shall be read on three several days shall be suspended, and said rule is suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 316 and find it correctly enrolled, and have this day at 3:55 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Henderson.

S. B. No. 316.

An Act to amend Title 22, Chapter 4, Article 883, Revised Civil Statutes, 1911, of the State of Texas, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 883, Revised Civil Statutes of the State of Texas, 1911, shall hereafter read as follows:

The board of aldermen, or other constituted municipal authorities of cities bordering on the coast of the Gulf of Mexico, or the boards of aldermen or other constituted authorities of any city of this State having within its corporate limits the origin or terminus of any navigable stream, which in the opinion of said board of aldermen, or other constituted city authorities, it is deemed wise and to the interest of said city or town to improve or to install harbors or wharf facilities by building or by improving wharf facilities or building warehouses or wharves for the purpose of navigation are hereby authorized and empowered to appropriate money or to build and construct or to aid in the improvement of their harbors and to cut out the bars at the entrance thereof, provided that they shall not thereby increase their aggregate

debt beyond the amount of indebtedness limited by their charters, respectively, or by the General Laws, such appropriations to be made out of any surplus funds which may at any time be on hand and by the use or sale of bonds heretofore authorized to be issued; provided that such bonds are not needed for the purposes for which they were specially authorized; and also if necessary therefor to issue and dispose of bonds with interest coupons attached in such amounts as may be necessary or that interest bearing certificates may be issued, not to exceed the limit of the indebtedness fixed by their charters, or in the case of cities operating under the General Laws, not to exceed the amount of indebtedness provided by law.

Sec. 2. The near approach of the end of the present session and the fact that some cities in Texas are in need of the passage at once of the proposed amendment of said law, creates an imperative public necessity and an emergency requiring the suspension of the constitutional rule requiring bills to be read on three several days and it is so suspended, and it is further enacted that this law take effect and be in force from and after its passage.

Committee Room,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 396 and find it correctly enrolled, and have this day at 5 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Hudspeth. S. B. No. 396.

An Act to validate titles to school land which has been purchased on condition of settlement and residence in cases where the purchaser made settlement thereon, as required by law, and, before the expiration of three years from date of award, transferred the land but completed the occupancy and obtained a certificate of occupancy; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In all cases where public school land has been purchased

from the State on condition of settlement and residence and the purchaser made settlement thereon, as required by law, and before the expiration of three years from date of award transferred the land but completed the occupancy and obtained a certificate of occupancy, and in all cases where lands bought as additional have been transferred before the occupancy of the home tract has been completed either by the original purchaser or his assignee and proof thereof filed in the Land Office, the title under such purchase is hereby validated.

Sec. 2. The fact that the titles of some of the citizens of Texas to their lands are in jeopardy and the near approach of the end of the session and the volume of business in the Legislature creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 464 and find it correctly enrolled, and have this day at 5 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Suiter. S. B. No. 464.

An Act to amend Chapter 141 of the General Laws enacted by the Thirty-third Legislature in 1913, and approved by the Governor on April 7th, 1913, and being "An Act entitled an Act to carry into effect the provisions of the amendment to Section 51 of Article 3, Constitution of the State of Texas, adopted at an election in said State on the 5th day of November, A. D. 1912, and formally declared to be a part of said Constitution by a proclamation of the Governor of said State, issued heretofore on the 30th day of December, A. D. 1912, by providing for the levy of an ad valorem tax of not exceeding five cents on the one hundred dollar valuation on property in said State for the



purpose of creating a special fund for the payment of pensions for service in the Confederate army, navy, frontier organizations, the militia of the State of Texas, and for the widows of soldiers serving in said armies, navies, organizations and militia, and providing how and under what regulations such fund shall be expended and controlled and how such pensions and the amounts thereof shall be paid to the persons entitled thereto; making the provisions of such bill cumulative of all laws in force in Texas, not in conflict therewith, repealing all laws and parts of laws in conflict therewith and prescribing a penalty for false swearing in connection with applications for pensions under the provisions of this Act," by providing a method for taking evidence in such cases as come under the provisions of this Act, and providing that this shall be cumulative of all other laws pertaining to Confederate pensions when not in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 141 of the General Laws of the Thirty-third Legislature as approved by the Governor on April 7th, 1913, shall hereafter read as follows:

Sec. 2. There shall be levied and collected in the same manner and at the same time that other taxes are levied and collected for the year 1913, and annually thereafter, an ad valorem tax of five cents on the one hundred dollar valuation thereof on all property owned in this State, on the first day of January of the year 1913, and of every year thereafter and on all property sent out of the State prior to the first day of January of any of said years, for the purpose of evading the payment of taxes thereon, and afterwards returned to the State, except so much thereof as may be exempted by the Constitution and laws of this State or of the United States which valuation shall be made in the manner prescribed by law for the assessment, levy and collection of other State and county taxes which said tax so levied and collected, shall be paid into the treasury of the State of Texas,

in the same manner as other State taxes, and shall constitute a special fund for the payment of pensions for service in the Confederate army and navy, frontier organization, militia of the State of Texas and for the widows of said Confederate soldiers or sailors serving in said armies, navies or organizations or militia, in the manner and under the rules and regulations prescribed herein and prescribed in existing law not repealed hereby and as may be hereafter prescribed by law. Which said fund is hereby expressly appropriated by the Legislature of the State of Texas for the purpose herein stated.

Sec. 3. Out of the fund to be created under the provisions of Section 2 hereof, there shall be paid an annual pension of eight and one-third (\$8 1-3) dollars per month, the same to be paid quarterly on the first day of September, December, March and June of each year to every disabled and indigent soldier who, under special laws of the State of Texas, during the war between the States, served for a period of at least six months in organizations for the protection of the frontier against Indian raids and Mexican marauders, and to every indigent and disabled soldier of the militia of the State of Texas who was in active service for a period of at least six months during the war between the States, and to every widow of such soldier who is in indigent circumstances and who was married to such soldier prior to January 1, 1900, and has never remarried, and to every indigent and disabled Confederate soldier or sailor who served for a period of at least three months of active service in the armies or navies of the Confederate States of America during the war between the States, and who became a resident of the State of Texas prior to January 1, 1900, and who has been a bona fide resident of the State of Texas continually since January 1, 1900, and to every widow of such Confederate soldier or sailor who is in indigent circumstances and who became a resident of the State of Texas prior to January 1, 1900, and who has been a bona fide resident of said State continually since January 1, 1900, and who was married to such soldier or sailor prior to January 1, 1900, and who has never remarried, and provided that the word "widow" as used in this Act and in the exist-

ing law shall not apply to nor include women born since 1861; and provided that in the event the appropriation made by the State Legislature out of such special fund for any one year shall prove insufficient to pay in full said pensions, there shall not thereby be created a deficiency outstanding as a valid claim against the State of Texas, and each pensioner shall only receive, except as herein or existing law otherwise provided for, his or her pro rata according to the amount appropriated for that year.

Sec. 4. To constitute indigency within the meaning of this Act, neither the applicant nor his wife, if the applicant be a married man, nor both together, nor the widow, if the applicant be a widow, shall own property, real or personal, exceeding in value one thousand (\$1,000) dollars, exclusive of the homestead, and if its value be not in excess of one thousand (\$1,000) dollars, and exclusive of household goods and wearing apparel; and such applicant shall not be in the enjoyment of an income, annuity, the emoluments of an office or wages for his or her services in excess of three hundred (\$300) dollars per year, now in the receipt of aid or of a pension from any State of the United States, or from any other public source, not an inmate of the Confederate Home or other public institution at the expense of the State. Persons who are not indigent under the foregoing definition shall not be entitled to a pension under this chapter.

Sec. 5. Every person entitled to a pension under the foregoing sections of this Act shall make application in writing and under oath for the same, to the county judge of his or her residence. Such application shall state the name, age and residence of the applicant and his or her occupation, if able to engage in one, his or her physical condition, and each and every fact necessary to qualify and entitle the applicant to a pension under the foregoing section of this Act; provided that persons now on the pension rolls of the State shall not be required to file a new application under this Act.

In the event the applicant is such a soldier or sailor as is prescribed in the foregoing section of this Act, in said application shall state the company and regiment in which he was

enlisted in the Confederate army or the militia of Texas, or in the event he served in an organization for the protection of the frontier against Indian raids or Mexican marauders, and shall name and identify such organizations, or if he were an officer commissioned by the President of the Confederate States or by the Governor, or other competent authorities of the State of Texas, in said army, navy, militia or frontier organization, he shall state the date of his commission and his rank therein; and if he were detailed directly under the provisions of the conscript law for duty in any of the armories or shops of the Confederate government or for any other labor necessary for the maintenance of the army in the field, and if he served in the Confederate navy, he shall state the time of service in each case. Each applicant shall also state in his application what property, effects and income he possesses and shall furnish the testimony of at least two credible witnesses who personally know that he enlisted in the service and performed the duties of a soldier or a sailor claimed by him; provided, however, that if an applicant for a pension can not secure the testimony of two witnesses, then he may furnish documents or evidence in connection with his service in the army or navy or militia, of such organization as may establish his claim for a pension. These proofs shall be made under oath and in writing before the county judge of the county of the residence of the applicant, unless such applicant or the witnesses are not physically able to appear before the county judge, or from other circumstances beyond the control of the applicant, can not appear before the county judge, then such evidence may be made before any officer authorized to administer oaths; provided that when the proof is made before any other officer than the county judge the county judge shall certify that the applicant and witnesses are of trustworthy character and entitled to credit and that the officer before whom the proof is made is duly qualified and authorized by law to administer oaths and take affidavits. The county judge shall also certify to the citizenship of the applicant, who must have been a bona fide resident of the county in which he or she makes his or her application for a period of six months next before the date of said

application and which fact shall be stated in the certificate of the county judge. In every case the officer taking the proof shall administer the oath to each applicant and witness before they sign the affidavit. Provided further that if it be necessary for the applicant to go outside of the county and State for proof to establish such application such proof may be submitted in the form of affidavits made in due form before some officer authorized to administer oaths and take the depositions of witnesses and accompanied by certificates from the county judge of the county where made, that the witnesses are of trustworthy character and entitled to credit. In case the applicant be a widow of a soldier or sailor, who, if living would be entitled to a pension under the provisions of Section 3 of this Act, she shall make written application for such pension and therein state, under oath, that she is in fact the widow of such soldier or sailor as near as possible therein state the facts showing her to be entitled to receive a pension under the provisions of Section 3 of this Act, in the same manner as the applicant who is such a soldier or sailor must make such proof as herein stated, and thereupon such widow shall be entitled to receive such pension on the same terms as other pensioners. In the event such widow cannot make such proof, she may, by complying with the provisions of Article 6270. Revised Statutes, become entitled to receive a pension on the terms and conditions stated in said article.

Sec. 6. On the first day of September and on the first day of March of each year, the Commissioner of Pensions shall first allot to each blind, maimed, and totally disabled soldier or sailor or the blind and totally disabled widow of such soldier or sailor, the sum of eight and one-third (\$8 1-3) dollars per month for each year, and the remainder of said appropriation shall be equally prorated among the pensioners who are in indigent circumstances only, and whose claim to pensions have been established and filed with the Commissioner of Pensions, as provided by law; and the Comptroller shall issue his warrants for the amounts due said pensions in the manner provided by law, and all pensioners to be paid at the end

of each quarter and all such pensions shall begin on the first day of the quarter next succeeding the filing and establishment of such application: Provided, however, that the Commissioner of Pensions is authorized to fill, after the apportionment is made, any vacancies created by death or other causes, at any time between the first day of March and the first day of September each year.

Sec. 7. That Article 6267 and 6268 and 6272 and 6279, Revised Statutes of 1911, and Chapter 141 of the Acts of the Thirty-third Legislature and all other laws and parts of laws in conflict herewith be and the same are hereby repealed, but this Act be cumulative of all existing laws not in conflict herewith.

Sec. 8. Any applicant for a pension under the provisions of this Act or any witness testifying under any of the provisions of this Act in regard to the services upon which such claim for pension is based, or in regard to the property, effects or income of the applicant, who shall willfully make any false statements in regard thereto shall be deemed guilty of false swearing and upon conviction thereof, shall be punished by confinement in the penitentiary for not less than two or more than five years.

Sec. 9. The fact that the present law requires all applicants for a Confederate pension to make their application and proof before the county judge and that many of such applicants and witnesses are old and feeble and live a long distance from the county judge and are not able to appear before the county judge, thereby causing long delay in getting their applications acted upon creates an emergency and a public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this Act shall take effect from and after its passage and it is so enacted.

Committee Room,

Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 200 and find it correctly enrolled, and have this day at 5 o'clock p. m.



presented same to the Governor for his approval.

SMITH, Chairman.

By Hudspeth.

S. B. No. 200.

An Act to prevent and punish the desecration, mutilation or improper use of the flag of the United States of America, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any person who in any manner, for exhibition or display, shall after this Act takes effect, place or cause to be placed, any word, figure, mark, picture, design, drawing, or any advertisement, of any nature, upon any flag, standard, color or ensign of the United States, or State flag of this State or ensign, or shall expose or cause to be exposed to public view any such flag, standard, color or ensign, upon which after this Act takes effect, shall have been printed, painted or otherwise placed, or to which shall be attached, appended, affixed, or annexed, any word, figure, mark, picture, design or drawing, or any advertisement of any nature, or who shall, after the first day of September, 1917, expose to public view, manufacture, sell, expose for sale, give away, or have in possession for sale, or to give away, or for use for any purpose, any article, or substance, being an article of merchandise, or a receptacle of merchandise or article or thing for carrying or transporting merchandise, upon which after this Act takes effect, shall have been printed, painted, attached, or otherwise placed, a representation of any such flag, standard, color, or ensign, to advertise, call attention to, decorate, mark, or distinguish, the article, or substance, on which so placed, or who shall publicly mutilate, deface, defile, or defy, trample upon, or cast contempt, either by words or act, upon any such flag, standard, color, or ensign, shall be deemed guilty of a misdemeanor, and shall be punished by fine, not exceeding one hundred dollars or by imprisonment for not more than thirty days or both, in the dis-

cretion of the court; and shall also forfeit a penalty of fifty dollars for each such offense, to be recovered with costs in a civil action or suit, in any court having jurisdiction, and such action or suit may be brought by and in the name of any citizen of this State, and such penalty when collected, less the reasonable cost and expense of action or suit and recovery, to be certified by the county attorney of the county in which the offense is committed, shall be paid into the treasury of this State; and two or more penalties may be sued for and recovered in the same action or suit. The words flag, standard, color or ensign, as used in this subdivision or section, shall include any flag, standard, color, ensign, or any picture or representation of either thereof, made of any substance, or represented on any substance, and of any size, evidently purporting to be, either of, said flag, standard, color or ensign of the United States of America, or a picture or a representation of either thereof, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America.

The possession, after this Act takes effect, by any person, other than a public officer, as such, of any such flag, standard, color or ensign, on which shall be anything made unlawful at any time by this section, or of any article or substance or thing on which shall be anything made unlawful at any time by this section, shall be presumptive evidence that the same is in violation of this section, and was made, done or created after this Act takes effect, and that such flag, standard, color, ensign, or article, substance or thing, did not exist when this Act takes effect.

Sec. 2. The fact that there is now in existence, no law prohibiting the desecration, mutilation or improper use of the flag of the United States, creates an emergency and an imperative necessity requiring a suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.



Committee Room,  
Austin, Texas, March 16, 1917.  
Hon. W. P. Hobby, President of the  
Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 223 and find it correctly enrolled, and have this day at 5 o'clock p. m., presented same to the Governor for his approval.

SMITH, Chairman.

By Johnson.

S. B. No. 223.

An Act granting the power to purchase, lease, or acquire by condemnation, for certain public purposes, to county school trustees of common school districts having less than 150 scholastics, trustees of independent school districts having 500 or more scholastics and to cemetery associations, incorporated or unincorporated, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the county school trustees shall have the power to purchase and lease real property for all the common school districts, and the independent school districts of their county having less than 150 scholastics, and the trustees of all independent school districts having 150 scholastics or more shall have power to purchase and lease real property for their districts for the purpose of supplying playgrounds, agricultural tracts and sites upon which to build school houses and such other buildings as are necessary for the schools of said districts, and to acquire such real property and easements therein by condemnation proceedings in the manner prescribed by the present law authorizing a condemnation of right of way of railroad. Cemetery associations, whether incorporated or unincorporated, shall have the power to purchase, lease or otherwise acquire such land as may be needed by them for the purpose of the proper burial of the dead in the communities in which they may be located, and such power shall extend to the acquisition of such land as may reasonably be needed therefor in the future as well as such land as may be immediately needed at the time of such acquisition. Such land may be acquired also by condemnation proceedings in the manner now provided for the

condemnation of lands for right of way purposes by railroad companies; and the acquisition of such lands is hereby declared to be for a public purpose.

Sec. 2. The fact that there is now no adequate law on the Statutes of this State empowering county school trustees and trustees of independent districts to acquire real property and easements therein by condemnation proceedings where the owners thereof refuse to sell their lands for school purposes, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, March 16, 1917.

Hon. W. P. Hobby, President of the  
Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 384 and find it correctly enrolled, and have this day at 5 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Buchanan of Scurry. S. B. No. 384.

An Act to amend Article 4859, Title 71, Chapter 7, relating to reports of local insurance associations, of the Revised Civil Statutes, 1911, of the State of Texas, so as to hereafter read as follows:

Be it enacted by the Legislature of the State of Texas:

That Article 4859 of Title 71, Chapter 7, of the Revised Civil Statutes of the State of Texas be amended so that same shall hereafter read as follows:

Article 4859. The provisions of this chapter shall not apply to any incorporated or unincorporated mutual relief or benefit, or burial association, operating upon the assessment plan, whose business is confined to one or more counties in the State of Texas, or to a territory in two or more adjacent counties included within a radius of not more than 50 miles surrounding the city or town in which its principal office is to be located, which is designated in its charter, which are hereby denominated local mutual aid associa-

tions, providing that such associations are in no manner directly or indirectly connected, federated or associated with any such association and do not directly or indirectly contribute to the expense or support of any other such association, or to the officers, promoters or managers thereof, and providing that a majority of such officers shall be bona fide residents of the county in which such association is domiciled. The association above mentioned shall annually, on or before March 1, file a statement with the Commissioner of Insurance and Banking, which shall be signed and sworn to by the president, secretary and treasurer, or the officer holding positions corresponding thereto. Such statement shall show whether the association has, during the preceding year, done any business outside of the county in which it is domiciled, and shall state whether or not said association is associated, federated or directly or indirectly connected with any other, and shall show what, if anything, has been contributed during the preceding year by said association, or the members, to any person or officer or director thereof for salaries, commissions or promotion expenses, and the name and residence of the party or parties receiving the same. The Commissioner of Insurance and Banking may, at his option, and it shall be his duty, if not satisfied with said statement, to demand other and additional statements and examine the books, papers and records of said association, either himself or by some other suitable person authorized by him. Should it appear to the Commissioner of Insurance and Banking that any such local mutual aid association is not carrying on business as set forth in this article, and is not entitled to the exemption therein set forth, such association shall be subject to and comply with all provisions of this chapter as a fraternal beneficiary association. Every such local association claiming to be entitled to the benefit of the exemption created by this article shall plainly state upon its certificates, applications and all advertising matter, in a conspicuous manner, that said association is a local mutual aid association, or same shall be deemed subject to all provisions of this chapter concerning fraternal beneficiary associations.

Sec. 2. That all laws and parts of

laws in conflict herewith ought to be, and the same are hereby, repealed.

### FIFTY-THIRD DAY.

Senate Chamber,  
Austin, Texas,

Saturday, March 17, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Henderson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Absent.

Clark.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Johnson of Hall.

At Ease.

By unanimous consent, the Chair announced that the Senate would stand at ease until 2:30 o'clock p. m. today.

### Afternoon Session.

The Senate was called to order at 2:30 o'clock p. m. by President Pro Tem. Henderson.

### Petitions and Memorials.

See Appendix.

### Committee Reports.

See Appendix.